

THE NATIONAL ARCHIVES FEDERAL REGISTER OF THE UNITED STATES

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TITLE 3—THE PRESIDENT EXECUTIVE ORDER 9904

AMENDING PARAGRAPH 8 OF EXECUTIVE ORDER NO. 9635 OF SEPTEMBER 29, 1945, PRESCRIBING THE ORDER OF SUCCESSION OF OFFICERS AUTHORIZED TO ACT AS SECRETARY OF THE NAVY

By virtue of the authority vested in me by the Constitution and the laws of the United States, it is ordered, in the interest of the internal management of the Government, that paragraph 8 of Executive Order No. 9635 of September 29, 1945, prescribing the order of succession of the officers authorized to act as Secretary of the Navy, be, and it hereby is, amended to read:

"8. During the temporary absence of the Secretary of the Navy, the order of succession of the officers who shall act as Secretary of the Navy shall be as follows: The Under Secretary of the Navy, the Assistant Secretary of the Navy for Air, the Assistant Secretary of the Navy, and the Chief of Naval Operations."

HARRY S. TRUMAN

THE WHITE HOUSE,
November 13, 1947.

[F. R. Doc. 47-10183; Filed, Nov. 14, 1947;
10:26 a. m.]

EXECUTIVE ORDER 9905

DESIGNATING THE MEMBERSHIP OF THE NATIONAL SECURITY RESOURCES BOARD AND DEFINING THE FUNCTIONS, DUTIES, AND AUTHORITY OF THE CHAIRMAN OF THE BOARD

By virtue of the authority vested in me by the Constitution and statutes, and as President of the United States, and in order to assure the adequate and effective performance of the functions of the National Security Resources Board (hereinafter called the Board) established by the National Security Act of 1947 (Public Law 253, 80th Congress, approved July 26, 1947) it is hereby ordered as follows:

1. The Secretary of the Treasury, the Secretary of Defense, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor are hereby designated to be Members of the Board.

2. The Chairman of the Board shall be responsible for the direction of the work and staff of the Board, including, among other things, the preparation and accumulation of factual data necessary to the formulation of plans, policies and programs concerning the coordination of military, industrial and civilian mobilization, for the preparation of reports of such plans, policies, and programs, and for submission of such reports to the President by the Board.

3. Pursuant to requests by the Board, all Federal departments and agencies shall furnish the Board such information, reports, statistics and other data or documents in their possession or under their control or obtainable by them, all in the performance of their normal and lawful functions, and make for the Board such studies, investigations and reports, as are, in the judgment of the Board, necessary or desirable to fulfill the duties and accomplish the functions and purposes of the Board as prescribed by the National Security Act of 1947.

HARRY S. TRUMAN

THE WHITE HOUSE,
November 13, 1947.

[F. R. Doc. 47-10182; Filed, Nov. 14, 1947;
10:26 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

Subchapter A—Administrative Provisions

[Farm Credit Administration Order 465]

PART 3—FUNCTIONS OF ADMINISTRATIVE OFFICERS

DIRECTION TO FARM LOAN REGISTRARS TO HOLD AND ADMINISTER COLLATERAL SECURING LOANS BY CENTRAL BANK FOR COOPERATIVES TO DISTRICT BANKS FOR COOPERATIVES

Whereas, the Central Bank for Cooperatives has made loans to various district banks for cooperatives which are evidenced by their notes to the Central Bank; and

Whereas, the Central Bank expects to make other loans to such district banks and wishes to have all existing and future loans secured by adequate collateral; and

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¹E. O. 9904.

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Whereas, the boards of directors of the district banks have authorized their officers to enter into agreements with the Central Bank to effectuate the pledging of notes of cooperative associations that have borrowed from such district banks for cooperatives, together with the security for such notes, as security for loans made to such district banks for cooperatives by the Central Bank.

Now, therefore, Title 6, Part 3 of the Code of Federal Regulations, is hereby amended by adding thereto a new § 3.29, reading as follows:

§ 3.29 *Direction to farm loan registrars to hold and administer collateral securing loans by Central Bank for Cooperatives to district banks for cooperatives.* The twelve Farm Loan Registrars and their successors in office are directed to hold any and all collateral deposited with them by the banks for cooperatives of their respective districts as security for loans made to the said banks by the Central Bank for Cooperatives.

Such collateral shall be administered by said registrars as provided in the agreements entered into between the district banks for cooperatives and the Central Bank for Cooperatives. (48 Stat. 51, Title 12 U. S. C. sec. 636; 48 Stat. 262, 49 Stat. 317, 50 Stat. 717, Title 12 U. S. C. sec. 1134j)

[SEAL]

I. W. DUGGAN,
Governor.

NOVEMBER 10, 1947.

[F. R. Doc. 47-10140; Filed, Nov. 14, 1947; 8:50 a. m.]

Chapter II—Production and Marketing Administration (Commodity Credit)

[1947 C. C. C. Flaxseed Bulletin 1, Amdt. 1 to Supp. 2]

PART 271—FLAXSEED LOANS AND PURCHASE AGREEMENTS

1947 FLAXSEED LOAN SCHEDULE

Section 271.127 *Basic county loan rates for No. 1 flaxseed* is hereby amended by adding the following counties and loan rates:

CALIFORNIA	
County:	No. 1 Flaxseed
Siskiyou -----	4.57
San Mateo -----	5.14
OREGON	
Benton -----	4.84
Clatsamas -----	4.83
Columbia -----	4.84
Jefferson -----	4.80
Klamath -----	4.93
Lane -----	4.82
Linn -----	4.83
Marion -----	4.85
Multnomah -----	4.87
Folk -----	4.85
Umatilla -----	4.78
Waco -----	4.84
Washington -----	4.87
Yamhill -----	4.86
WASHINGTON	
Asotin -----	4.72
Clark -----	4.87
Garfield -----	4.77
Snohomish -----	4.76
Spokane -----	4.73
Whatcom -----	4.76
Whitman -----	4.74
WISCONSIN	
Columbia -----	4.83
WYOMING	
Converse -----	4.57

(Sec. 7 (a) 49 Stat. 4 as amended, sec. 4 (a), 55 Stat. 493, 56 Stat. 768; 15 U. S. C. and Sup. 713 (a) 713 (a)—8, 50 U. S. C. App. Sup. 909; Article Third, pars. (b) (j) Charter of Commodity Credit Corporation)

[SEAL]

JESSE B. GILLIER,
President,

Commodity Credit Corporation.

NOVEMBER 10, 1947.

[F. R. Doc. 47-10163; Filed, Nov. 14, 1947; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment)

[ACP 1943 Ind.]

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

1948 BULLETIN; INDIANA

This section contains the provisions of the 1948 Agricultural Conservation Program for the State of Indiana. Payments will be made for participation in the program in accordance with the provisions of this section and such modifications as may hereafter be made.

§ 701.951 *Indiana*—(a) *Distribution and control of funds*—(1) *Control of*

funds. The State committee will establish a limit on expenditures for each county. Community committeemen and the farmer will plan the practices needed for each farm. The farm plans thus completed will be reviewed by county and community committees. After due consideration has been given to the conservation needs on each farm and the availability of materials, labor, and equipment, a plan of conservation practices will be approved for completion in 1948. The credit value of each farm practice plan thus approved will be the minimum assistance that may be earned by carrying out approved practices, if the total of the credit values of all farm practice plans in the county does not exceed the county allocation of funds. If the computed credit value of all such farm practice plans exceeds the county allocation of funds, a pro rata allocation of the assistance available to the county will be offered on each farm as a minimum amount of money that may be earned by completion of approved practices. Any unearned assistance will be utilized to increase the minimum assistance offered on farms upon which approved practices are carried out to the extent necessary to earn the additional assistance so allocated.

(2) *Farm worksheet.* The farm worksheet must be signed before April 1, 1948, in order for those interested in the operation of the farm to be eligible for payment for carrying out any practice in 1948. If a landlord or tenant acquires an interest in a farm after March 1, 1948, he may sign a farm worksheet to participate in the program without regard to the closing date, provided he does so within 30 days after acquiring his interest in the farm. Written prior approval is required for each practice, except that practices performed before May 1, 1948, may be approved retroactively.

(b) *Selection of conservation practices, rates of payment, pooling agreements, and State or Federal aid—*(1) *Conservation practices.* The conservation practices approved for any county will be those selected by the county committee, with the assistance of community committeemen, from the practices approved in this section. The selection will be made on the basis of the total conservation needs in the county, the relative need for each of the practices, the availability of material and equipment necessary to perform the practices, and the amount of additional conservation which may be achieved by including the practices. A practice may be selected for use throughout the county or upon designated farms in the county. This selection of practices must be approved by the State committee or its representative.

(2) *Local conservation practice.* In addition to the regular practices selected for use in a county where a local conservation problem exists for which an appropriate practice is not included in the National Bulletin, the county committee may recommend, and the State committee and the State technical committee with the concurrence of the Agricultural Conservation Programs Branch

(hereinafter referred to as the ACP Branch) may approve, one such practice, other than a practice of seeding grasses or legumes, for payment in the county.

(3) *Special conservation practice.* To permit further local adaptation of practices, the county committee may recommend, and the State committee may approve, one practice for the county from the practices included in the National Bulletin which is not included in this section.

(4) *Rates of payment.* The rates of payment will be those established in this section or in supplements thereto.

(5) *Pooling agreements.* Producers in any local area may agree in writing, with approval of the county and State committees, to perform designated amounts of practices necessary to conserve the agricultural resources of the community. Such a pooling agreement may be completed for the practices contained in paragraph (m) (16) *Construction of open farm drainage ditches*, and paragraph (m) (17) *Tile drainage*.

(c) *Division of payments—*(1) *Conservation practice payments.* The payment earned in carrying out practices with conservation materials or services shall be credited to the producer to whom the materials or services are furnished. Payment for practices performed with conservation materials and services shall have priority over payment for other practices. The payment earned in carrying out other practices shall be paid to the producer who carried out the practices. If more than one producer contributed to the carrying-out of such practices, the payment shall be divided in the proportion that the county committee determines the producers contributed to the carrying-out of the practices. In making this determination, the county committee shall take into consideration the value of the labor, equipment, or material contributed by each producer toward the carrying-out of each practice on a particular acreage, assuming that each contributed equally, unless it is established to the satisfaction of the county committee that their respective contributions thereto were not in equal proportion. The furnishing of land will not be considered as a contribution to the carrying-out of any practice.

(2) *Death, incompetency, or disappearance of producer.* In case of the death, incompetency, or disappearance of any producer, his share of the payment shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP-122, as amended.

(d) *Increase in small payments.* The payment computed for any person with respect to any farm shall be increased as follows:

(1) Any payment amounting to \$0.71 or less shall be increased to \$1.00.

(2) Any payment amounting to more than \$0.71 but less than \$1.00 shall be increased by 40 percent.

(3) Any payment amounting to \$1.00 or more shall be increased in accordance with the schedule contained in § 701.905

of the National Agricultural Conservation Program Bulletin (12 F. R. 6683)

(e) *Payments limited to \$500.* The total of all payments made in connection with the 1948 program to any person with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, Puerto Rico, and the Virgin Islands) shall not exceed the sum of \$500.

All or any part of any payment which has been or otherwise would be made to any person under the 1948 program may be withheld or required to be refunded if he has adopted or participated in adopting any scheme or device designed to evade, or which has the effect of evading, the provisions of this paragraph.

(f) *Conservation materials and services—*(1) *Availability.* Liming materials, phosphates, and other farming materials or services may be furnished by the ACP Branch to producers for carrying out approved practices. Title to any material distributed by the ACP Branch, either directly or through purchase orders, shall vest in the ACP Branch until the material is applied or all charges for the material are satisfied.

(2) *Cost to producer in cash.* The producer shall pay that part of the cost of the material or service established by the ACP Branch which is in excess of the credit for the use of the material or service in carrying out approved practices.

(3) *Maximum amount of materials or services which may be furnished for a farm.* The maximum amount of materials or services which may be furnished for a farm may not exceed the smaller of the quantity required to perform the number of units of the practices approved by the county committee or the quantity required to earn the minimum assistance established for the farm.

(4) *Eligibility.* No materials or services may be furnished to any producer whose name is on the county office register of indebtedness, except that a Farmers Home Administration debt shall not prohibit a producer from obtaining materials or services.

(5) *Deduction.* A deduction shall be made for materials or services furnished by the ACP Branch from the payment of the producer to whom the materials or services are furnished. The deduction shall be the credit value of the conservation materials and services furnished, except that (1) where the cost to the ACP Branch is less than the credit rate, the deduction shall be equal to the cost, and (2) where the material or service was transferred to the 1948 program from a previous program and the practice for which furnished is not offered in the county under the 1948 program, the producer may be relieved of the above deductions upon determination by the county committee that the material or service was used in performing the practice for which the material or service was furnished. If the producer misuses any material or service furnished, an additional deduction equal to the original amount of the deduction for the material or service misused shall be made.

Materials or services will be considered as misused, for the purpose of this paragraph, in the following instances:

(i) Where the county committee determines that any conservation material has been applied to crops which are not designated as eligible crops by the county and State committees, unless failure to properly use the material was due to conditions beyond the producer's control.

(ii) Where the county committee determines that a structure, such as a terrace or dam, has been willfully or negligently destroyed by a producer in the program year in which the structure was completed.

(iii) Where the county committee determines that material has been willfully or negligently destroyed, or has been rendered unusable, by the producer.

(iv) Where the county committee determines that a producer has disposed of material by sale, barter, or some other unauthorized means.

(v) Where the county committee is unable to determine the use or disposition of material because of the failure of a producer to furnish requested information by the closing date designated by the ACP Branch for filing performance reports. However, if the requested information is filed at a later date and the material was properly used, the material will not be considered as misused.

If the deduction for the materials or services exceeds the payment for the producer to whom the materials or services are furnished, the amount of the difference shall be paid by the producer to the Treasurer of the United States.

Any producer to whom materials are furnished shall be responsible to the ACP Branch for any damage to the materials, unless he shows that the damage was caused by circumstances beyond his control. If materials are abandoned or not used during the program year, they may, at the option of the ACP Branch, be transferred to another producer or otherwise disposed of by the ACP Branch at the expense of the producer who abandoned or failed to use the material, or be retained by the producer for use in a subsequent program year.

(g) *General provisions relating to payments*—(1) *Failure to maintain practices under previous programs.* If the county committee determines that any conservation practice carried out under previous agricultural conservation programs is not maintained in accordance with good farming practices, or the effectiveness of any such practice is destroyed during the 1948 program year, a deduction shall be made for the extent of the practice destroyed or not maintained. The deduction rate shall be the 1948 practice rate or, if the practice is not offered in 1948, the practice rate in effect during the year the practice was performed. The deductions shall be made from the payment of the person responsible for destroying or not maintaining the practice after the payment has been increased in accordance with the provisions of paragraph (d) of this section.

(2) *Practices defeating purposes of programs.* If the State committee finds that any producer has adopted or participated in any practice which tends to

defeat the purpose of the 1948 or previous programs, it may withhold or require to be refunded all or any part of any payment which has been or would be computed for such person.

(3) *Depriving others of payment.* If the State committee finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation) the effect of which would be or has been to deprive any other person of any payment under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the amount of any payment which has been or would otherwise be made to him in connection with the 1948 program.

(4) *Failure to carry out approved erosion-control measures.* Payment will not be made to any person with respect to any farm which he owns or operates in a county if the county committee finds that he has been negligent and careless in his farming operations by failing to carry out approved erosion-control measures on land under his control to the extent that any part of such land has become an erosion hazard during the 1948 program year to other land in the community.

(5) *Payment computed and made without regard to claims.* Any payment or share of payment shall be computed and made without regard to questions of title under State law; without deduction of claims for advances (except as provided in subparagraph (6) of this paragraph, and except for indebtedness to the United States subject to set-off under orders issued by the Secretary), and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

(6) *Assignments.* Any person who may be entitled to any payment in connection with the 1948 program may assign his payment in whole or in part as security for cash loaned or advances made for the purpose of financing the making of a crop in 1948. No assignment will be recognized unless it is made in writing on Form ACP-69 in accordance with the instructions provided in ACP-70.

(h) *Application for payment*—(1) *Persons eligible to file applications.* An application for payment with respect to a farm may be made by any producer who is entitled to share in the payment determined for the farm. The application will be completed and transmitted to the State office, but it need not be signed by the producer if all the following apply: (i) His only payment is earned with conservation materials or services furnished by the ACP Branch, (ii) the credit value of the practices carried out is \$200 or more, and (iii) the cost to the ACP Branch of the materials or services is equal to the value of the practices carried out.

(2) *Time and manner of filing applications and information required.* Payment will be made only upon application submitted on the prescribed form to the county office. Payment may be withheld from any person who fails to file any form or furnish any information

required with respect to any farm which such person is operating or renting to another. Any application for payment may be rejected if any form or information required of the applicant is not submitted to the county office within the time fixed by the Director of the ACP Branch, which time shall not be later than December 31, 1949. At least 2 weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms or required information, and any time limit fixed shall afford a full and fair opportunity to those eligible to file the form or information within the period prescribed. Such notice shall be given by mailing notice to the office of each county committee and making copies available to the press.

(i) *Appeals.* Any producer may, within 15 days after notice thereof is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination in any matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify him of its decision in writing within 15 days after receipt of written request for reconsideration. If the producer is dissatisfied with the decision of the county committee, he may, within 15 days after the decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify him of its decision in writing within 30 days after the submission of the appeal. If he is dissatisfied with the decision of the State committee, he may, within 15 days after its decision is forwarded to or made available to him, request the Director of the ACP Branch to review the decision of the State committee.

Written notice of any decision rendered under this paragraph by the county or State committee shall also be issued to each other producer on the farm who may be adversely affected by the decision.

(j) *State instructions and forms.* The State committee, under the general supervision of the Director of the ACP Branch, is authorized to make determinations, and to prepare and issue instructions and forms required in implementing the administration of the 1948 program as contained in this handbook and related instructions, except that a form designed to obtain information from producers must be approved by the Director of the ACP Branch.

(k) *Definitions.* For the purposes of the 1948 program:

(1) "Secretary" means the Secretary of Agriculture of the United States.

(2) "Director" means the Director of the Agricultural Conservation Programs Branch, Production and Marketing Administration.

(3) "State committee" means the group of persons designated within any State to assist in the administration of the agricultural conservation program in that State.

(4) "County committee" means the group of persons elected within any county to assist in the administration of the agricultural conservation program in that county.

(5) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also (i) any other adjacent or nearby farm or range land which the county committee, in accordance with instructions issued by the ACP Branch, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops, and with workstock, farm machinery and labor substantially separate from that for any other land; and (ii) any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops. A farm shall be regarded as located in the county in which the principal dwelling is situated or, if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm is located.

(6) "Person" means an individual, partnership, association, corporation, estate or trust, or other business enterprise or other legal entity, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(7) "Producer" means any person who, as landlord, tenant, or sharecropper, participates in the operation of a farm.

(8) "Cropland" means farm land which in 1947 was tilled or was in regular rotation, excluding any land which constitutes, or will constitute if such tillage is continued, a wind-erosion hazard to the community, and excluding also any land in commercial orchards.

(9) "Noncrop open pasture land" means pasture land (other than rotation pasture land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

(10) "Commercial orchards" means the acreage on the farm in planted or cultivated fruit trees, nut trees, vineyards, hops, or bush fruits (excluding nonbearing orchards and vineyards) from which the major portion of the production is normally sold.

(11) "Commercial vegetable acreage for the farm" means that acreage of vegetable or truck crops of which the principal part of the production is sold to persons not living on the farm, including the acreage of sweetpotatoes, tomatoes, sweet corn, melons, cantaloupes, strawberries, and commercial bulbs and flowers. The only vegetable or truck crops not included are peas or sweet corn for processing, artichokes for use other than vegetables, and Irish potatoes.

(1) *Authority, availability of funds, and applicability*—(1) *Authority*. The program is approved pursuant to the authority vested in the Secretary of Agriculture under secs. 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148, 16 U. S. C. 590g to 590q; Public Law 546, 79th Congress; Public Laws 249, 266, 80th Congress).

(2) *Availability of funds*. The provisions of the 1948 program are necessarily subject to such legislation as the Congress of the United States may hereafter enact; the making of the payments herein provided is contingent upon such appropriation as the Congress may hereafter provide for such purposes; and the amounts of such payments will necessarily be within the limits finally determined by such appropriation.

The funds provided for the 1948 program will not be available for payment of applications filed in the county office after December 31, 1949.

(3) *Applicability*. The provisions of the 1948 program contained herein are not applicable to (i) any department or bureau of the United States Government or any corporation wholly owned by the United States; and (ii) grazing lands owned by the United States which were acquired or reserved for conservation purposes or which are to be retained permanently under Government ownership, including but not limited to, grazing lands administered under the Taylor Grazing Act by the Bureau of Land Management or the Fish and Wildlife Service of the United States Department of the Interior, or by the Forest Service or the Soil Conservation Service of the United States Department of Agriculture.

The program is applicable to (i) privately owned lands; (ii) lands owned by a State or political subdivision or agency thereof (iii) lands owned by corporations which are partly owned by the United States, such as Federal Land Banks and Production Credit Associations; (iv) lands temporarily owned by the United States or a corporation wholly owned by it which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration, the Reconstruction Finance Corporation, the Home Owners' Loan Corporation, the Federal Farm Mortgage Corporation, the Departments composing the National Military Establishment, or by any other Government agency designated by the ACP Branch; (v) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it; and (vi) Indian lands, except that where grazing operations are carried out on Indian lands administered by the Department of the Interior, such lands are within the scope of the program only if covered by a written agreement approved by the Department of the Interior giving the operator an interest in the grazing and forage growing on the land and a right to occupy the land in order to carry out the grazing operations.

(m) *Approved conservation practices*—(1) *Standard terraces*. Construction of standard terraces with a minimum ridge cross section of 8 square feet for terraces up to 500 feet in length, 10 square feet for terraces from 500 to 1,000 feet in length, 12 square feet for terraces over 1,000 feet in length, and with a maximum grade of 0.4 percent in all cases. Measurements will be made after construction is completed. The cross-section area will be the average as near as possible to measure. These areas will be determined at a point or points

where the terrace ridge and channel have been tramped with the foot or crossed over with a rubber-tired tractor in order that a settled section may be determined. The channel cross section must not be less than the minimum specifications for the ridge cross section at any point in the terrace. Terrace bases must be broad enough to be maintained and farmed on the contour with equipment common to the area. Proper outlets must be provided.

Payment rate: \$1.50 per 100 linear feet.

(2) *Diversion terraces*. Construction of diversion terraces with a minimum ridge cross-sectional area of 10 square feet. There must be at least 1 square foot of cross-sectional area in the ridge for each acre draining into the diversion. Diversion terraces must be constructed with a grade of not less than 0.3 percent and not more than 0.6 percent. The channel cross section must not be less than the minimum specifications for the ridge cross section at any point in the terrace. All the diversion area will be seeded to a grass legume mixture after construction, and proper outlets must be established.

Payment rate: \$0.04 per cubic yard, but not in excess of \$5.00 per 100 linear feet.

(3) *Establishing sod waterways or sodded waterway channels*. (1) Payment will be made for establishing sod waterways or sodded waterway channels as indicated below:

(a) Establishing a permanent sod waterway or a waterway channel with a minimum width of 10 feet at the narrowest point. The channel established must be wide enough to carry the run-off from the drainage area. The sod waterway or waterway channel must be established by plowing, disking, leveling, and otherwise preparing a good seedbed, fertilizing and liming if necessary, and seeding perennial grasses and legumes to establish a sod. A seeding of sorghum, corn, small grain, or similar crops may be used to hold the soil while a stand of grass is established. A good stand and growth of the perennial grasses must be established in the sod waterway or waterway channel.

Payment rate: \$0.75 per 1,000 square feet.

(b) Establishing a permanent sod waterway in a field which is already covered by a good stand of grass or hay crop by lifting the plow while crossing the waterway channel. The sod waterway remaining must have a minimum width of 10 feet at the narrowest point, and must be wide enough to carry the run-off from the drainage area. A good stand and growth of perennial grasses must be present.

Payment rate: \$0.25 per 1,000 square feet.

(4) *Contouring cultivated row crops*. (1) Contour farming of cultivated row crops, provided the crop stubble is left standing or a good stand of a winter cover crop is obtained. Credit will not be given if the crops are planted and cultivated with more than 3 percent deviation from the contour in each 100 feet. If there is danger of erosion in waterways, such waterways must be permanently established in sod. Contour lines

must be laid out with an approved instrument.

Payment rates: (a) \$1.50 per acre where all tillage operations, including plowing, are on the contour.

(b) \$1.00 per acre where only planting and cultivating are on the contour.

(5) *Contouring drilled crops.* (i) Contour drilling of small grain crops, sorghums, millet, or soybeans. No credit will be given if the crops are seeded with more than 3 percent deviation from the contour in each 100 feet. If there is danger of erosion in waterways, such waterways must be permanently established in sod. Contour lines must be laid out with an approved instrument.

Payment rates: (a) \$0.75 per acre where all tillage operations, including plowing, are on the contour.

(b) \$0.50 per acre where only seeding operations are on the contour.

(6) *Contour strip cropping.* Establishing alternate strips of intertilled crops with sown, close-drilled, or sod crops, on the contour, provided (i) the strips are approximately the same width, (ii) the strips are not less than 3 rods nor more than 10 rods in width, (iii) the crop stubble is left standing or a good stand of a winter cover crop is obtained, (iv) the land has an average slope of 2 percent or more, (v) the strips do not deviate more than 3 percent from the contour on each 100 feet, and (vi) all farming operations must be on the contour. Contour lines must be laid out with an approved instrument. Credit will not be given under the practices contained in subparagraph (4) or (5) of this paragraph for the acreage of intertilled crops or small grain crops which is included in the strip cropping system. No credit will be given for a strip cropping system on a field or unit of land established prior to 1948.

Payment rate: \$3.00 per acre.

(7) *Field strip cropping not on the contour.* Growing alternate strips of intertilled crops with sown close-drilled, or sod crops, on land determined by the county committee to be too irregular in slope to permit contour farming, provided (i) the strips are approximately the same width, (ii) the strips are not less than 3 rods nor more than 10 rods in width, (iii) the crop stubble is left standing or a good stand of a winter cover crop is obtained, and (iv) the strips are laid out across the general slope. No payment will be made for this practice on any acreage for which a contour strip cropping payment has been made under previous programs.

Payment rate: \$0.75 per acre.

(8) *Dams for livestock water.* Construction of earthen dams for providing water for livestock. Earthen dams must be constructed with minimum slopes of 3 to 1 on the upstream side and 2 to 1 on the downstream side. All sod vegetation and topsoil should be cleaned from the dam site. A core trench cut to clear clay material should be made lengthwise the full length of the fill. This trench should be filled with a clay core which should be built up at least to the spillway elevation. A top width of 5 feet shall be provided on

dams up to 10 feet in height and 6 feet on dams over 10 feet in height. Dams 10 feet or less in height must have a freeboard of 3 feet. Dams over 10 feet in height must have a freeboard of 4 feet. Freeboard is to be measured from bottom of trickle tube. A grassed spillway or sodded waterway at least 8 feet wide shall be provided for ponds with drainage areas up to 10 acres. For drainage areas from 10 to 25 acres in extent, the spillway width shall be increased proportionately. Credit will not be given unless the following conditions have been met: (i) The depth of the water is at least 6 feet in 20 percent of the pond area; (ii) the water is piped out to a stock water tank and a control valve is provided for regulating the flow of water to the tank; (iii) a trickle tube of bell tile or steel pipe with sealed joints is provided to carry excess water to stable grade below the dam (the trickle tube should be placed 6 inches below the spillway level, not through the fill but in solid ground and preferably opposite the spillway) (iv) the top dirt removed from the dam site must be spread over the top and downstream side of the fill, and the fill must be seeded with grass and legumes; and (v) the entire area of the pond and the dam is fenced to exclude livestock.

Payment rate: \$0.03 per cubic yard of material moved.

(9) *Construction of reservoirs for livestock water.* Construction of reservoirs for livestock water on farms where suitable locations for construction of dams are not available or where the construction of such dams is not practicable. Reservoirs must not be approved unless the drainage is of sufficient size to guarantee sufficient run-off to provide ample water supplies for the reservoir. The reservoir must be constructed so that at least 20 percent of the area will be 6 feet deep. A pump siphon or gravity feed system must be installed to convey the water to a stock water tank. The reservoir must be fenced to exclude livestock.

Payment rate: \$0.03 per cubic yard of material moved.

(10) *Tree planting.* (i) Planting trees for forest purposes, gully control, or windbreak, in accordance with good tree culture. The trees must be protected from fire and grazing. The county committee must specify the site and species of trees to be planted. The species below will qualify, provided they are adapted to the particular soil type, climatic conditions, moisture conditions, and site. No credit will be given for planting white pine, unless all currant and gooseberry bushes are removed from the area and throughout a protective border.

(a) *For forest purposes.* In all counties, in woods openings, black walnut and tulip poplar on an 8 foot by 8 foot spacing and black locust, red pine, and white pine on a 6 foot by 6 foot spacing; and, in all counties to the south of Vermillion, Parke, Montgomery, Boone, Hamilton, Madison, Delaware, and Randolph Counties, Virginia pine and shortleaf pine for open field plantings on a 6 foot by 6 foot spacing.

Payment rate: \$1.00 per 100 trees, but not in excess of \$7.50 per acre.

(b) *For gully control.* In all counties, black locust, red pine, white pine, and jack pine; and, in all counties to the south of Vermillion, Parke, Montgomery, Boone, Hamilton, Madison, Delaware, and Randolph, Virginia pine and shortleaf pine on a 6 foot by 6 foot spacing.

Payment rate: \$1.00 per 100 trees, but not in excess of \$7.50 per acre.

(c) *For farmstead windbreaks.* White pine, red pine, jack pine, and arborvitae on a 10 foot by 10 foot spacing.

Payment rate: \$1.00 per 100 trees.

(d) *For sand field windbreaks.* White pine, jack pine, and red pine on a 6 foot by 6 foot spacing.

Payment rate: \$1.00 per 100 trees.

(e) *For much land windbreaks.* Green hybrid willows in a single row 2 feet apart, or arborvitae in single or double rows 6 feet apart.

Payment rate: \$1.00 per 100 trees.

(11) *Establishing new pasture.* (i) Establishing pasture on land which will remain under permanent vegetative cover. A satisfactory seedbed must be prepared and necessary amounts of lime and fertilizer must be applied. Grazing must be deferred until the new seeding has been established. The mixtures below will qualify for credit. Substitutions may be made when any variety of seed is not available or other varieties are more desirable for specific conditions, provided the cost of the substituted mixture shall be approximately equal to the cost of the recommended mixture. Recommendations for substitutions may be submitted by county committees and must be approved by the State committee.

(a) Seeding 3 pounds of redtop, 4 pounds of bluegrass, 2 pounds of timothy, 4 pounds of red clover (or 1 pound of Ladino) and 6 pounds of lespedeza in the following counties: Bartholomew, Brown, Clark, Clay, Crawford, Davies, Dearborn, Decatur, Dubois, Floyd, Franklin, Gibson, Greene, Harrison, Jackson, Jefferson, Jennings, Johnson, Knox, Lawrence, Martin, Monroe, Morgan, Ohio, Orange, Owen, Perry, Pike, Posey, Ripley, Rush, Scott, Shelby, Spencer, Sullivan, Switzerland, Vanderburgh, Vigo, Warrick, and Washington.

Payment rate: \$3.50 per acre.

(b) Seeding 5 pounds of bluegrass, 2 pounds of timothy, 5 pounds of red clover, and 1 pound of alsike or ½ pound of Ladino in counties other than those listed in inferior subdivision (a).

Payment rate: \$3.50 per acre.

(12) *Reseeding depleted noncrop open pasture.* (i) A satisfactory seedbed must be prepared by disking or through the use of a spring-tooth harrow or field cultivator. The necessary amount of liming material and fertilizer must be applied. Grazing must be deferred until the new seeding has been established. The mixtures below will qualify for credit. Substitutions may be made when any variety of seed is not available or other varieties are more desirable for specific conditions, provided the cost of the substituted mixture shall be approximately equal to the cost of the recommended

mixture. Recommendations for substitutions may be submitted by county committees and must be approved by the State committee.

(a) For seeding 2 pounds of timothy, 6 pounds of red clover (or 1 pound of Ladino) and 8 pounds of lespedeza in the following counties: Bartholomew, Brown, Clark, Clay, Crawford, Daviess, Dearborn, Decatur, Dubois, Floyd, Franklin, Gibson, Greene, Harrison, Jackson, Jefferson, Jennings, Johnson, Knox, Lawrence, Martin, Monroe, Morgan, Ohio, Orange, Owen, Perry, Pike, Posey, Ripley, Rush, Scott, Shelby, Spencer, Sullivan, Switzerland, Vanderburgh, Vigo, Warrick, and Washington.

Payment rate: \$3.00 per acre.

(b) Seeding 4 pounds of timothy and 6 pounds of red clover in counties other than those listed in subdivision (a) of this subdivision.

Payment rate: \$2.00 per acre.

(13) *Green manure crops.* Disking or plowing under a good stand and a good growth of (i) oats, barley, wheat, or soybeans, in orchards or on vegetable land; (ii) 1947 fall seedings of winter rye or ryegrass; or (iii) sweetclover. If the land is subject to erosion and the green manure crop is turned under in the fall, the land must be protected by a winter cover crop.

Payment rate: \$1.00 per acre.

(14) *Seeding winter legumes for cover* (i) Seeding winter vetch or crimson clover in the fall of 1948 for winter cover. The crop must be seeded early enough to obtain sufficient growth to provide an adequate cover during the winter and a good stand and good growth must be obtained. The necessary amounts of limestone and fertilizer must be applied.

Payment rates: (a) \$2.00 per acre for seeding not less than 20 pounds of winter vetch.

(b) \$1.75 per acre for seeding not less than 12 pounds of crimson clover (clean seed basis).

(15) *Weed eradication or control on cropland.* (i) Eradication or control of seriously infested plots of Canada thistle, bindweed, or perennial sow thistle by the use of chemicals according to specifications approved by the State committee. Payment for this practice may be approved only where the county committee determines that there is no likelihood of reinfestation. No crop may be taken from the land.

Payment rates: (a) \$0.07 per pound of sodium chlorate or other chemicals approved by the State committee.

(b) \$1.50 per pound of 2,4-D acid.

(16) *Construction of open farm drainage ditches.* Construction or enlargement of open farm drainage ditches (except public ditches) including lateral and lead ditches, for which proper outlets are provided and adequate provision is made for the entrance of water into and out of the ditch. The ditch must have sufficient capacity to remove the normal excess surface water. Credit will not be given for material moved in cleaning the ditch.

Payment rate: \$0.06 per cubic yard, but not in excess of \$6.00 per 100 linear feet.

(17) *Tile drainage.* Installation of tile drains not less than 5 inches in diameter, provided the size of tile, outlets, and gradients meet the specifications for standard drainage as recommended by the U. S. Department of Agriculture; not less than 75 percent of the area to be drained is cropland; and no part of the tile line is to be used for any purpose other than the draining of agricultural land.

Payment rate: \$0.40 per rod.

(18) *Mulching materials.* Application of small grain straw or the crop residue obtained from harvesting legumes or grasses for seed to commercial orchards, vineyards, commercial vegetable land, or strawberries or other small fruit.

Payment rate: \$5.00 per ton.

(19) *Liming materials.* (i) Payment will be made at the rates listed below for liming materials meeting the specifications shown, except that a correspondingly greater amount of material must be required if the material does not meet the specifications.

(a) Application of 1 ton of agricultural ground limestone containing all of the finer particles obtained in the grinding process and ground sufficiently fine so that not less than 96 percent will pass through a U. S. Standard No. 4 sieve and 80 percent through a U. S. Standard No. 8 sieve. The moisture content at the time of shipment must not exceed 8 percent. The calcium carbonate equivalent and the percent passing through a U. S. Standard No. 8 sieve must be at least 80 and one or both must be greater than 80 so that the multiplication of the percent of calcium carbonate equivalent by the percent of material passing through a U. S. Standard No. 8 sieve will be equal to or in excess of 0.72.

Payment rates: (1) \$1.00 per ton in Adams, Bartholomew, Blackford, Cass, Clark, Crawford, Decatur, Floyd, Grant, Harrison, Huntington, Jay, Jefferson, Jennings, Monroe, Orange, Putnam, Scott, Washington, and Wells Counties.

(2) \$1.10 per ton in Carroll, Delaware, Jackson, Jasper, Lawrence, Miami, Newton, Owen, Perry, Randolph, Ripley, Rush, White, and Whitley Counties.

(3) \$1.20 per ton in Allen, Brown, Clay, Dearborn, Fulton, Howard, Lake, Madison, Martin, Morgan, Parke, and Wabash Counties.

(4) \$1.30 per ton in Benton, Clinton, Franklin, Greene, Hamilton, Hendricks, Montgomery, Ohio, Porter, Pulaski, Shelby, Switzerland, Tippecanoe, and Vigo Counties.

(5) \$1.40 per ton in Daviess, Dubois, Fayette, Fountain, Henry, Johnson, Laporte, Tip-ton, Union, and Wayne Counties.

(6) \$1.50 per ton in Boone, DeKalb, Hancock, Knox, Kosciusko, Marion, Marshall, Pike, Spencer, Starke, Sullivan, Vermillion, Warren, and Warrick Counties.

(7) \$1.60 per ton in Elkhart, Lagrange, Noble, Steuben, and Vanderburgh Counties.

(8) \$1.70 per ton in Gibson, Posey, and St. Joseph Counties.

(b) Application of 1 ton of calcium carbide refuse lime containing at least 85 percent calcium carbonate equivalent and testing not more than 35 percent moisture at the shipping point.

Payment rate: \$1.00 per ton.

(c) Application of 1 cubic yard of marl containing at least 70 percent calcium carbonate equivalent.

Payment rate: 50 percent of county limestone credit rate.

(d) Application of 1 cubic yard of water-softening process lime containing at least 70 percent calcium carbonate equivalent.

Payment rate: \$0.60 per cubic yard.

(e) Application of 1 ton of burnt lime waste containing at least 90 percent calcium carbonate equivalent and testing not more than 20 percent moisture at the shipping point.

Payment rate: \$1.30 per ton.

(f) Application of 1 ton of commercial burnt lime containing at least 90 percent calcium carbonate equivalent and testing not more than 20 percent moisture at the loading point.

Payment rate: \$2.00 per ton.

(g) Application of 1 ton of hydrated lime.

Payment rate: \$2.00 per ton.

(20) *Fertilizers.* (i) Application of superphosphate or potash to (a) pastures; (b) new seedings of biennial or perennial legumes, perennial grasses, winter legumes, or lespedeza, seeded without a nurse crop or with a spring-seeded nurse crop; (c) old stands of biennial or perennial legumes or perennial grasses, provided the acreage on which such applications are made is not devoted to, cultivated for, or plowed for any other crop prior to January 1, 1949; and (d) cover crops in orchards.

Payment rates: (a) \$2.50 per 100 pounds of available P_2O_5 in superphosphate containing 20 percent or less available P_2O_5 .

(b) \$1.75 per 100 pounds of available P_2O_5 in superphosphate containing more than 20 percent available P_2O_5 .

(c) \$1.60 per 100 pounds of available K_2O in potash.

(d) \$0.66 per 100 pounds of 0-9-27.

(e) \$0.57 per 100 pounds of 0-10-20.

(f) \$0.49 per 100 pounds of 0-12-12.

(g) \$0.46 per 100 pounds of 0-14-7.

(h) \$0.57 per 100 pounds of 0-14-14.

(i) \$0.45 per 100 pounds of 0-18-0.

(j) \$0.47 per 100 pounds of 0-10-0.

(k) \$0.50 per 100 pounds of 0-20-0.

(l) \$0.66 per 100 pounds of 0-20-10.

(m) \$0.82 per 100 pounds of 0-20-20.

(n) \$0.40 per 100 pounds of 2-12-6.

(o) \$0.53 per 100 pounds of 2-16-8.

(p) \$0.51 per 100 pounds of 3-9-18.

(q) \$0.49 per 100 pounds of 3-12-12.

(r) \$0.59 per 100 pounds of 3-18-9.

(s) \$0.35 per 100 pounds of 4-10-6.

(t) \$0.40 per 100 pounds of 4-16-0.

(u) \$0.33 per 100 pounds of 8-8-8.

(v) \$0.21 per 100 pounds of 10-6-4.

(21) *Rock phosphate.* Application of rock phosphate containing at least 30 percent phosphoric acid to any crop.

Payment rate: \$0.25 per 100 pounds.

(22) *Local conservation practice.* The county committee may select, with the prior approval of the State committee and State technical committee and the concurrence of the ACP Branch, one practice of a local nature not included in the National Bulletin which has a definite soil or water conservation value or which will maintain or increase soil fertility or conserve and increase range and pasture forage and will meet special needs in the county. The seeding of

grasses or legumes will not be approved as a local conservation practice. The practice selected under this authority must be carried out under specifications approved by the State committee. The State committee shall determine the amount of funds which may be expended on this practice in any county.

Payment rate: The rate recommended by the county committee and approved by the State committee with the concurrence of the ACP Branch, except that the rate shall not exceed that percentage of the cost specified as the maximum for a practice of a similar type included in the National Bulletin.

(23) *Special conservation practice.* With the approval of the State committee, the county committee may select for use in the county one practice included in the National Bulletin for which there is a need locally, but which is not included in this handbook.

Payment rate: The rate recommended by the county committee and approved by the State committee, except that the rate may not be in excess of the maximum rate for the practice set forth in the National Bulletin.

(1948 National Agricultural Conservation Program Bulletin (12 F. R. 6679) 60 Stat. 663, Pub. Laws 249, 266, 80th Cong., 61 Stat. 493, 523; 16 U. S. C. and Sup. 590g-590q)

Approved: November 10, 1947.

[SEAL] A. W. MANCHESTER,
Acting Director Agricultural
Conservation Programs Branch.

[F. R. Doc. 47-10096; Filed, Nov. 14, 1947;
8:45 a. m.]

PART 722—COTTON

NATIONAL MARKETING QUOTAS

- Sec.
722.901 Basis and purpose.
722.902 Findings with respect to American cotton supplies, consumption, and exports.
722.903 Determination with respect to marketing quotas for cotton.

AUTHORITY: §§ 722.901 to 722.903, inclusive, issued under 52 Stat. 38, 43, 56, 58; 7 U. S. C. 1301, 1342, 1343, and 1345.

§ 722.901 *Basis and purpose.* This proclamation is issued under sections 301, 342, 343, and 345, of the Agricultural Adjustment Act of 1938, as amended. Its purpose is to announce findings made by the Secretary of Agriculture with respect to the total supply, the normal supply, and the carry-over of American cotton on August 1, 1947; the probable domestic consumption of American cotton during the marketing year commencing August 1, 1947; the probable exports of American cotton during the marketing year commencing August 1, 1947; and the estimated carry-over of American cotton as of August 1, 1948; and to proclaim whether upon the basis of such findings, marketing quotas and a national allotment for cotton for the 1948-49 marketing year are required under the Act. Prior to making the findings, notice was given (12 F. R. 7060) that the Secretary was preparing to examine the supply situation to determine if quotas were required under the act and

that any interested person might express his views in writing with respect thereto. All written expressions received postmarked not later than November 8, 1947, the closing date therefor mentioned in the notice aforesaid, have been considered.

§ 722.902 *Findings with respect to American cotton supplies, consumption, and exports.* The findings stated herein are based upon the latest available statistics of the Federal Government and the baleage figures are expressed in running bales:

(a) The "total supply" of American cotton for the marketing year beginning August 1, 1947, was 16,491,000 bales.

(b) The "normal supply" of American cotton for the marketing year beginning August 1, 1947, was 18,200,000 bales.

(c) The "carry-over" of American cotton for the marketing year beginning August 1, 1947, was 5,293,000 bales.

(d) The "probable domestic consumption of American cotton" during the marketing year commencing August 1, 1947, will be 8,500,000 bales.

(e) The "probable exports of American cotton" during the marketing year commencing August 1, 1947, will be 2,500,000 bales.

(f) The estimated carry-over of cotton as of August 1, 1948, is 4,703,000 bales.

§ 722.903 *Determination with respect to marketing quotas for cotton.* The total supply of American cotton for the current marketing year does not exceed by more than seven per centum the normal supply of American cotton for such marketing year; therefore, no national allotment of cotton shall be established for the calendar year 1948 and marketing quotas for cotton shall not be in effect for the 1948-49 marketing year.

Done at Washington, D. C., this 12th day of November 1947.

Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-10143; Filed, Nov. 14, 1947;
8:50 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Lemon Reg. 248]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.355 *Lemon Regulation 248—(a) Findings.* (1) Pursuant to the marketing agreement and Order No. 53 (7 CFR, Cum. Supp., 953.1 et seq.) regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and

order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and the 30-day effective date requirements of the Administrative Procedure Act (Pub. Law 404, 73th Cong., 2d Sess., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. S. T., November 16, 1947, and ending at 12:01 a. m., P. S. T., November 23, 1947, is hereby fixed at 240 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 247 (12 F. R. 7317) and made a part hereof by this reference.

(3) As used in this section, "handler," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 13th day of November 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Branch, Production and Marketing Administration.

[F. R. Doc. 47-10179; Filed, Nov. 14, 1947;
8:45 a. m.]

[Grapefruit Reg. 48]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIFORNIA; AND IN THAT PART OF RIVERSIDE COUNTY, CALIFORNIA, SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

LIMITATION OF SHIPMENTS

§ 955.309 *Grapefruit Regulation 48—(a) Findings.* (1) Pursuant to the marketing agreement and Order No. 55 (7 CFR, Cum. Supp., 955.1 et seq.) regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation of the Administrative Committee established under the

said marketing agreement and the said order, and upon other available information, it is hereby found that the limitation of shipments of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and the 30-day effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order* During the period beginning at 12:01 a. m., P. s. t., November 16, 1947, and ending at 12:01 a. m., P. s. t., December 7, 1947, no handler shall ship:

(1) Any grapefruit grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of the San Geronio Pass, unless such grapefruit are well colored and grade U. S. Fancy U. S. No. 1, or U. S. Combination Grade, as such grades are defined in the revised United States Standards for Grapefruit (California and Arizona) 12 F. R. 1975; or

(ii) From the State of California or the State of Arizona (a) to any point outside thereof in the United States, any such grapefruit which are of a size smaller than $3\frac{1}{16}$ inches in diameter, or (b) to any point in Canada, any such grapefruit which are of a size smaller than $3\frac{3}{16}$ inches in diameter ("diameter" in each case to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit) except that a tolerance of 5 percent, by count, of grapefruit smaller than such minimum sizes shall be permitted which tolerances shall be applied in accordance with the provisions for the application of tolerances, specified in the said revised United States Standards for Grapefruit. (California and Arizona) *Provided*, That in determining the percentage of grapefruit in any lot which are smaller than $3\frac{1}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4\frac{1}{16}$ inches in diameter and smaller; and in determining the percentage of grapefruit in any lot which are smaller than $3\frac{3}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $3\frac{13}{16}$ inches in diameter and smaller.

(2) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said marketing agreement and order and the term "well colored" shall have the same meaning as set forth in the said revised United States Standards. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 13th day of November 1947.

[SEAL] S. R. SMITH,
*Director Fruit and Vegetable
Branch, Production and Mar-
keting Administration.*

[F. R. Doc. 47-10178; Filed, Nov. 14, 1947;
8:45 a. m.]

[Orange Reg. 203, Amdt. 1.]

PART 966—ORANGES GROWN IN CALIFORNIA
AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and the 30-day effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

Order as amended. The provisions in paragraph (b) (1) (i) of § 966.349 (Orange Regulation 203, 12 F. R. 7318) are hereby amended to read as follows:

(i) *Valencia oranges.* (a) Prorate District No. 1, no movement; (b) Prorate District No. 2, 650 carloads; and (c) Prorate District No. 3, no movement.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 13th day of November 1947.

[SEAL] S. R. SMITH,
*Director Fruit and Vegetable
Branch, Production and Mar-
keting Administration.*

[F. R. Doc. 47-10181; Filed, Nov. 14, 1947;
8:46 a. m.]

[Orange Reg. 204]

PART 966—ORANGES GROWN IN CALIFORNIA
AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.350 *Orange Regulation 204—(a)*
Findings. (1) Pursuant to the provisions

of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and the 30-day effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., November 16, 1947, and ending at 12:01 a. m., P. s. t., November 23, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* (a) Prorate District No. 1, no movement; (b) Prorate District No. 2, unlimited movement; and (c) Prorate District No. 3, no movement.

(ii) *Oranges other than Valencia oranges.* (a) Prorate District No. 1, 1100 carloads; (b) Prorate District No. 2, no movement; and (c) Prorate District No. 3, 100 carloads.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handler," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 13th day of November 1947.

[SEAL] S. R. SMITH,
*Director Fruit and Vegetable
Branch, Production and Mar-
keting Administration.*

PRORATE BASE SCHEDULE

[12:01 a. m. Nov. 16, 1947, to 12:01 a. m.
Nov. 23, 1947]

VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.0000
A. F. G. Fullerton	.0000
A. F. G. Orange	.8844
A. F. G. Redlands	.3182
A. F. G. Riverside	.1853
A. F. G. San Juan Capistrano	.0000
A. F. G. Santa Paula	.5154
Corona Plantation Co.	.3248
Hazeltine Packing Co.	.5390
Placentia Pioneer Valencia Growers Association	.9024
Signal Fruit Association	.1073
Azusca Citrus Association	.0000
Azusca Orange Co., Inc.	.0000
Damerel-Allison Co.	.0000
Glendora Mutual Orange Associa- tion	.0000
Irwindale Citrus Association	.0000
Puente Mutual Citrus Association	.2818
Valencia Heights Orchards Associa- tion	.6015
Glendora Citrus Association	.0000
Glendora Heights Orange and Lemon Growers Association	.0000
Gold Buckle Association	.0000
La Verne Orange Association	.8230
Anaheim Citrus Fruit Association	1.9038
Anaheim Valencia Orange Associa- tion	1.9663
Eadington Fruit Co., Inc.	2.7937
Fullerton Mutual Orange Associa- tion	2.2274
La Habra Citrus Association	1.3922
Orange County Valencia Associa- tion	.9487
Orangethorpe Citrus Association	1.5342
Placentia Coop. Orange Associa- tion	.0000
Yorba Linda Citrus Association, The	.0000
Alta Loma Heights Citrus Associa- tion	.0000
Citrus Fruit Growers	.0000
Cucamonga Citrus Association	.0000
Etiwanda Citrus Fruit Association	.0000
Old Baldy Citrus Association	.0000
Rialto Heights Orange Growers	.0000
Upland Citrus Association	.0000
Upland Heights Orange Association	.0000
Consolidated Orange Growers	2.7017
Frances Citrus Association	1.3225
Garden Grove Citrus Association	2.2201
Goldenwest Citrus Association, The	1.9797
Irvine Valencia Growers	3.2788
Olive Heights Citrus Association	2.3607
Santa Ana-Tustin Mutual Citrus Association	1.3327
Santiago Orange Growers	5.2912
Tustin Hills Citrus Association	2.4119
Villa Park Orchs. Association, The	2.5090
Andrews Bros. of California	.6506
Bradford Bros., Inc.	.9051
Placentia Mutual Orange Associa- tion	.0000
Placentia Orange Growers Associa- tion	3.3953
Call Ranch	.0000
Corona Citrus Association	.5537
Jameson Co.	.0628
Orange Heights Orange Associa- tion	.4703
Crafton Orange Growers Associa- tion	.5244
East Highlands Citrus Association	.0000
Fontana Citrus Association	.1222
Highland Fruit Growers Associa- tion	.0000
Redlands Heights Groves	.4110

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Redlands Orangedale Association	0.0000
Break & Son, Allen	.0000
Bryn Mawr Fruit Growers Associa- tion	.0000
Krinnard Packing Co.	.3516
Mission Citrus Association	.1263
Redlands Coop. Fruit Association	.0000
Redlands Orange Growers Associa- tion	.3490
Redlands Select Groves	.2157
Rialto Citrus Association	.0000
Rialto Orange Co.	.2003
Southern Citrus Association	.0000
United Citrus Growers	.1835
Zillen Citrus Co.	.0000
Andrews Bros. of California	.1813
Arlington Heights Citrus Co.	.1678
Brown Estate, L. V. W.	.0000
Gavilan Citrus Association	.1875
Hemet Mutual Groves	.0000
Highgrove Fruit Association	.0363
McDermont Fruit Co.	.2226
Monte Vista Citrus Association	.0000
National Orange Co.	.0000
Riverside Heights Orange Growers Association	.0000
Sierra Vista Packing Association	.0000
Victoria Avenue Citrus Association	.2350
Claremont Citrus Association	.1812
College Heights Orange and Lemon Association	.2769
El Camino Citrus Association	.0000
Indian Hill Citrus Association	.0000
Pomona Fruit Growers Exchange	.4747
Walnut Fruit Growers Association	.5767
West Ontario Citrus Association	.0000
El Cajon Valley Citrus Association	.0000
Escondido Orange Association	3.2234
San Dimas Orange Growers Associa- tion	.6719
Covina Citrus Association	1.4230
Covina Orange Growers Associa- tion	.5469
Duarte-Monrovia Fruit Exchange	.0000
Ball & Tweedy Association	.0000
Canoga Citrus Association	.0000
N. Whittier Heights Citrus Associa- tion	1.1925
San Fernando Fruit Growers Associa- tion	.0000
San Fernando Heights Orange Associa- tion	1.2722
Sierra Madre-Lamanda Citrus Associa- tion	.0000
Camarillo Citrus Association	1.0310
Fillmore Citrus Association	4.4220
Mupu Citrus Association	3.3398
Ojai Orange Association	1.2595
Piru Citrus Association	2.6219
Santa Paula Orange Association	1.2745
Tapo Citrus Association	1.2430
Limoneira Co.	.0000
E. Whittier Citrus Association	.5343
El Ranchito Citrus Association	1.6571
Murphy Ranch Co.	.6720
Rivera Citrus Association	.0000
Whittier Citrus Association	.6987
Whittier Select Citrus Association	.6239
Anaheim Coop. Orange Association	1.8323
Bryn Mawr Mutual Orange Associa- tion	.0000
Chula Vista Mutual Lemon Associa- tion	.0000
Escondido Coop. Citrus Associa- tion	.4412
Euclid Avenue Orange Association	.5007
Foothill Citrus Union, Inc.	.0000
Fullerton Coop. Orange Association	.0000
Garden Grove Orange Coop., Inc.	.0000
Glendora Coop. Citrus Association	.0000
Golden Orange Groves, Inc.	.0000
Highland Mutual Groves	.0000
Index Mutual Groves	.0000
La Verne Coop. Citrus Association	1.0339

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Mentona Heights Association	0.0000
Olive Hillside Groves	.0000
Orange Coop. Citrus Association	.0000
Redlands Foothill Groves	.6639
Redlands Mutual Orange Associa- tion	.0000
Riverside Citrus Association	.6930
Ventura County Orange and Lemon Association	1.2028
Whittier Mutual Orange and Lemon Association	.0000
Babylux Corp. of Calif.	.0000
Banks Fruit Co.	.0000
Banks, L. M.	.0000
Borden Fruit Distributors	1.2579
California Fruit Distributors	.4345
Cherokee Citrus Co., Inc.	.0000
Chees Co., Meyer W.	.3000
Escondido Avocado Growers	.0000
Erans Brothers Packing Co.	.0000
Furr, N. C.	.0183
Gold Banner Association	.0000
Granada Hills Packing Co.	.0000
Granada Packing House	.0000
Hill, Fred A.	.0000
Inland Fruit Dealers	.6935
Orange Belt Fruit Distributors	2.8351
Panno Fruit Company, Carlo	.2350
Paramount Citrus Association	.0000
Placentia Orchards Co.	.4063
San Antonio Orchards Co.	.5572
Santa Fe Groves	.6672
Snyder & Sons Co., W. A.	1.1854
Stephens, T. F.	.0037
Sunny Hills Ranch, Inc.	.0000
Ventura County Citrus Association	.0000
Verity & Sons Co., R. H.	.0473
Wall, E. T.	.0000
Webb Packing Co.	.0000
Western Fruit Growers, Inc., Reds	.5763
Yorba Orange Growers Association	.8869

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 1

Total	100.0000
A. F. G. Lindsay	2.8027
A. F. G. Porterville	2.2633
A. F. G. Sides	.6219
Ivanhoe Cooperative	.4632
Dorfmeier, W. Teed & Sons	.4756
Elderwood Citrus Association	.8391
Exeter Citrus Association	3.6320
Exeter Orange Growers Association	1.2333
Exeter Orchards Association	1.3441
Hillside Packing Association, The	1.6723
Ivanhoe Mutual Orange Association	.8360
Klink Citrus Association	3.6993
Lemon Cove Association	1.4031
Lindsay Citrus Growers Association	2.6375
Lindsay Cooperative Citrus Associa- tion	1.3674
Lindsay District Orange Co.	1.5404
Lindsay Fruit Association	1.9932
Lindsay Orange Growers Associa- tion	1.6363
Naranja Packing House Co.	.7033
Orange Cove Citrus Association	3.0439
Orange Cove Orange Growers Associa- tion	2.4620
Orange Packing Co.	1.2944
Orcel Foothill Citrus Association	1.2623
Paloma Citrus Fruit Association	.9551
Pogue Packing House, J. E.	.5514
Reedy Hill Citrus Association	1.6615
Sanger Citrus Association	3.1075
Sequoia Citrus Association	.8123
Starb Packing Corp.	2.6319
Vikalla Citrus Association	.8832
Weddell & Sons	2.1173
Butte County Citrus Association, Inc.	.5136
Mills Orchards Co., James	.6049

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—
continued

Prorate District No. 1—Continued

Handler	Prorate base (percent)
Orland Orange Growers Association, Inc.	0.6339
Andrews Edison Groves	.5065
Baird-Neece Corp.	1.7123
Beattie Association, Agnes M.	.4903
Grand View Heights Citrus Associa- tion	2.1834
Magnolia Citrus Association	2.1570
Porterville Citrus Association, The	1.4063
Richgrove-Jasmine Citrus Associa- tion	1.2993
Sandlands Fruit Co.	1.4061
Strathmore Coop. Association	1.6560
Strathmore District Orange Associa- tion	1.7914
Strathmore Fruit Growers Associa- tion	1.0873
Strathmore Packing House Co.	1.9110
Sunflower Packing Association	2.1469
Sunland Packing House Co.	2.1686
Terra Bella Citrus Association	1.4877
Tule River Citrus Association	1.0846
Vandalia Packing Association	.6421
Kroells Bros., Ltd.	1.4889
Lindsay Mutual Groves	2.0100
Martin Ranch	1.2720
Woodlake Packing House	1.6980
Abbate Co., The Charles	.2417
Anderson, R. M. Packing Co.	.9265
Baker Bros.	.1103
Calif. Citrus Groves, Inc., Ltd.	1.9575
Chess Co., Meyer W.	1.567
Edison Groves Co.	.6950
Evans Bros. Packing Co.	1.4442
Exeter Groves Packing Co.	.7224
Ghlanda Ranch Association	.0181
Harding & Leggett	1.5865
Justman Frenkenthal Co.	.0562
Lo Bue Bros.	.8014
Marks, W. & M.	.4301
R. M. C. Porterville	2.3005
Reimers, Don H.	.2000
Rooke Packing Co., B. G.	1.4912
Webb Packing Co., Inc.	1.0254
Wollenman Packing Co.	.7398
Woodlake Heights Packing Corp.	.4789
Zaninovich Bros.	.4567

Prorate District No. 3

Total	100.0000
Allen-Young Citrus Pkg. Co.	2.1712
Consolidated Citrus Growers	7.0495
McKellips Mutual Citrus Growers, Inc.	7.0431
McKellips Phoenix Citrus Co., Inc., C. H.	9.2153
Phoenix Citrus Packing Co.	3.6680
Arizona Citrus Growers	19.7079
Bumstead, Dale	.5231
Chandler Heights Citrus Growers	2.1830
Desert Citrus Growers Co., Inc.	4.4023
Mesa Citrus Growers	15.5086
Yuma Mesa Fruit Growers Associa- tion	.2167
Arizona Citrus Products Co.	3.0261
Libbey Fruit Packing Co.	3.9590
Pioneer Fruit Co.	3.8702
Tempe Citrus Co.	2.1368
Commercial Citrus Packing Co.	2.3697
Dhuyvetter Bros.	.8966
Ishikawa, Paul	.2511
Leppla-Pratt Produce Distributors, Inc.	8.2039
Macchiaroli Fruit Co., James	.9229
Morris Bros. Fruit Co.	.2675
Orange Belt Fruit Distributors	.1840
Potato House, The	.8422
Valley Citrus Packing Co.	1.3753

[F. R. Doc. 47-10180; Filed, Nov. 14, 1947;
8:46 a. m.]Chapter XXI—Organization,
Functions and ProcedureSubchapter C—Production and Marketing
AdministrationLABOR CENTERS, HOMES, CAMPS AND
FACILITIESDELEGATION OF AUTHORITY TO EFFECT
LIQUIDATION

The Divisional Chiefs of Operations in the several divisional offices of the Labor Branch are hereby authorized to exercise all the authorities, powers, functions and duties vested in me by order of the Acting Administrator, Production and Marketing Administration, dated November 3, 1947 (12 F. R. 7284) to dispose of as provided in the Farmer's Home Administration Act of 1946, as amended (Pub. Law No. 731, 79th Cong. 2d sess., approved Aug. 14, 1946, 60 Stat. 1062; Pub. Law No. 40, 80th Cong. 1st sess., approved Apr. 28, 1947) and in Pub. Law 298, 80th Cong., approved July 31, 1947, all labor supply centers, labor homes, labor camps, and facilities formerly under the supervision or administration of the Farm Security Administration and transferred or made available to the War Food Administrator for use in the farm labor supply program pursuant to Pub. Law No. 45, 78th Cong. 1st sess., approved April 29, 1943 (57 Stat. 70) and in the custody or under the control of the Production and Marketing Administration on August 12, 1947, all similar centers, homes, camps, and facilities constructed or acquired by the War Food Administrator or the Department of Agriculture pursuant to subsequent similar laws or otherwise and used in the farm labor supply program, and any equipment pertaining thereto or used in the farm labor supply program: *Provided*, That the Chief of Operations shall not have the authority hereunder to dispose of any standard camp and shall not dispose of any temporary or mobile camps without the prior approval of the Labor Camp Disposal Officer.

The exercise of authorities delegated herein shall be subject to the limitations and requirements of regulations of the Department of Agriculture, except insofar as they have been modified in their applicability to the Farm Security Administration.

(R. S. 161, 60 Stat. 1026, Pub. Laws 40, 298, 80th Cong., 5 U. S. C. 22; 12 F. R. 6593, 7284)

Done at Washington, D. C., this third day of November 1947.

[SEAL] P. G. BECK,
*Labor Camp Disposal Officer
Office of the Administrator
Production and Marketing
Administration.*

[F. R. Doc. 47-10141; Filed, Nov. 14, 1947;
8:50 a. m.]

PART 2327—LABOR BRANCH

REVOCATION OF DELEGATION OF AUTHORITY

Section 2327.4 (12 F. R. 5810) being a delegation of authority to Divisional

Chiefs of Operations in the several divisional offices of the Labor Branch to dispose of labor supply centers and any equipment pertaining thereto or used in the farm labor supply program, is hereby revoked.

Done at Washington, D. C., this 3d day of November 1947.

[SEAL] WILLIAM C. HOLLEY,
*Acting Director, Labor Branch,
Production and Marketing
Administration.*

[F. R. Doc. 47-10142; Filed, Nov. 14, 1947;
8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Supplement 1]

PART 04b—AIRPLANE AIRWORTHINESS
TRANSPORT CATEGORIES

SPECIFICATIONS AND PRECAUTIONS

The following specifications relating to the Code of Federal Regulations, Title 14, Chapter I, Part 04b, §§ 04b.300 and 04b.38251 (b) are hereby adopted:

§ 04b.300 *Approved specifications and parts.* * * *

(CAA Specifications)

NOTE: See the Code of Federal Regulations, Title 14, Chapter II, Subchapter D, Part 701.

§ 04b.38251 *Fire precautions.* * * *

(b) * * *

(CAA Specifications)

NOTE: See the Code of Federal Regulations, Title 14, Chapter II, Subchapter D, Part 701.

(52 Stat. 973, 984, 985, 986, 1007, 1009; 54 Stat. 1231, 1233, 1234, 1235, 49 U. S. C. 401, 425, 451, 458, 551, 553)

These specifications shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 47-10099; Filed, Nov. 14, 1947;
8:48 a. m.]

Chapter II—Administrator of Civil
Aeronautics, Department of Commerce

Subchapter D—Technical Standard Orders

[Technical Standard Order 01]

PART 701—SMOKE DETECTORS

It appearing that the Administrator of Civil Aeronautics has been authorized under the Civil Aeronautics Act of 1938, as amended, and the Civil Air Regulations issued pursuant thereto, to establish minimum safety requirements for aircraft components, including smoke detectors, which are intended for use in civil aircraft; that consideration has been given to existing Government and industry standards for smoke detectors; that in the public interest the safety standards relating to smoke detectors should be established and promulgated without delay; and that compliance with

the notice and public procedure requirements of the Administrative Procedure Act would be impractical;

Now therefore, acting pursuant to the authority vested in me by sections 205, 301, 308, 601, and 603 of the Civil Aeronautics Act of 1938, as amended (52 Stat. 973, 984, 985, 986, 1007, 1009; 49 U. S. C. 401, 425, 451, 551, 553) and §§ 04b.300 and 04b.38251 (b) of the Civil Air Regulations, and in accordance with the Administrative Procedure Act (Public Law 404, 79th Congress, 2d Session) I hereby adopt Part 701 to read as follows:

Sec.

701.1 Introduction.

701.2 Directive.

701.3 Specific instructions.

AUTHORITY: §§ 701.1 to 701.3, inclusive, issued under 52 Stat. 973, 984, 985, 986, 1007, 1009; 49 U. S. C. 401, 425, 451, 551, 553.

§ 701.1 *Introduction.* (a) Smoke detectors are in the class of aircraft components which the Administrator of Civil Aeronautics is authorized to approve in accordance with Part 04 of the Civil Air Regulations.

(b) In the establishment of this part, consideration has been given to existing Government and industry standards for smoke detectors for the purpose of adopting the performance requirements of one of the recognized aeronautical standards as the minimum safety requirements for smoke detectors which are intended for use in civil aircraft. The specifications of the Society of Automotive Engineers contain such requirements.

§ 701.2 *Directive.* (a) Pursuant to §§ 04b.300 and 04b.38251 (b) of the Civil Air Regulations which authorize the Administrator of Civil Aeronautics to approve materials, parts, methods and processes, the performance requirements for smoke detectors as set forth in SAE Specification AS-400, dated July 1, 1947, quoted below, are hereby established as the minimum safety requirements for smoke detectors which are intended for use in civil aircraft:

SMOKE DETECTORS

1. *Purpose.* To specify minimum requirements for smoke detection instruments for use in aircraft, the operation of which may subject the instrument to environmental conditions specified in section 3.4.

2. *Scope.* This specification covers two basic types as follows:

Type I—Carbon monoxide.

Type II—Photoelectric cell.

3. General requirements.

3.1. Material and workmanship.

3.1.1. *Material.* Materials shall be of a quality which experience or tests have demonstrated to be suitable and dependable for use in aircraft instruments.

3.1.2. *Workmanship.* Workmanship shall be consistent with high-grade aircraft instrument manufacturing practice.

3.2. *Radio interference.* The instrument shall not be the source of objectionable interference, under operating conditions at any frequencies used on aircraft, either by radiation or feed-back, in radio sets installed in the same aircraft as the instrument.

3.3. *Identification.* The following information shall be legibly and permanently marked on the instrument or attached thereto:

- (a) Name of instrument (smoke detector).
- (b) SAE Spec. AS-400.
- (c) Rating (electrical, vacuum, etc.).
- (d) Manufacturer's part number.
- (e) Manufacturer's serial number or date of manufacture.
- (f) Manufacturer's name and/or trademark.

3.4. *Environmental conditions.* The following conditions have been established as design criteria only. Test shall be conducted as specified in sections 5, 6, and 7.

3.4.1. *Temperature.* When mounted in accordance with the instrument manufacturer's instructions, the instrument shall function over the range of ambient temperature of -55°C . to 60°C . and shall not be adversely affected by exposure to temperatures in the range -65°C . and to 70°C .

3.4.2. *Humidity.* The instrument shall function and not be adversely affected when exposed to a relative humidity of up to and including 95% at a temperature of approximately 32°C .

3.4.3. *Altitude.* The instrument shall function and not be adversely affected when subjected to a pressure and temperature range equivalent to $-1,000$ feet to $+40,000$ feet standard altitude.

3.4.4. *Vibration.* When mounted in accordance with the instrument manufacturer's instructions, the units shall function and shall not be adversely affected when subjected to the following vibrations:

Type of instrument mounting	Cycles per minute ¹	Amplitude ¹	Max. acceleration
Shock mounted panel instruments.....	100-2000	Inch 0.005	0.8g
Unshock mounted panel instruments.....	100-2000	.010	1.3g
Airframe structure mounted instruments.....	100-2000	.600	3.8g

¹ It is understood that the unit shall withstand vibrations at higher frequencies, but the acceleration values need not exceed those shown above.

When specified by the purchaser for use in rotary wing aircraft, the frequency range shall be 100-2000 cycles per minute.

4. Detail requirements.

4.1. Design.

4.1.1. The instrument shall consist of a means for:

Type I: Testing air for contamination with gaseous products of combustion. It shall include an alarm circuit or control circuit which will indicate the presence of contamination when it reaches a concentration of not more than 0.010% of carbon monoxide by volume.

Type II: Testing air for contamination with smoke or gas of all colors or particle sizes. It shall include an alarm circuit or control circuit which will indicate the presence of contamination which reduces the light transmission to not less than 80% of that of clear air. Percentage of transmission is defined as the light falling on a photoelectric cell through a one foot distance as compared to the light transmitted in clear air.

4.1.2. A means shall be incorporated in the design to admit the air sample to the sensitive element of the instrument in a positive manner.

4.2. *Indicating method.* The instrument shall be capable of actuating both visual and aural alarm indicators.

4.3. *Reliability.* False signals in the instrument shall not result from variations in voltage ($+25\%$ and -100% of the rated), flight altitude, accelerations encountered in flight or landing, and from normal amounts of dust they may accumulate within the instrument under normal flight operation.

4.4. *Integrity test provision.* The instrument shall be provided with a means for being tested in flight. The test shall cause

operation of the alarm circuit or control circuit by initiating the sequence of actions through a disturbance in the instrument.

4.5. *Sampling characteristics.* When an instrument installation is designed to divert the air samples from more than one sampling station, it shall cycle at a rate not to exceed 30 seconds per sampling station, in which case, flow of air through all the sampling conduits shall be maintained continuously. In addition, when a smoke alarm is indicated, an alarm shall be actuated to indicate the location in which the smoke or gas is being generated and to continue to indicate the alarm until the condition is eliminated. It shall begin cycling in a normal manner within 30 seconds after releasing the alarm signal.

5. Test conditions.

5.1. *Atmospheric conditions.* Unless otherwise specified, all tests required by this specification shall be made at an atmospheric pressure of approximately 29.92 inches of mercury and at an ambient temperature of 22°C . When tests are made with the atmospheric pressure or the temperature substantially different from these values, allowance shall be made for the variations from the specified conditions.

5.2. *Vibration (to minimize friction).* Unless otherwise specified, all tests for performance may be made with the instrument subjected to a vibration of .002 to .005 inches amplitude at a frequency of 1500 to 2000 cycles per minute. The term amplitude as used herein indicates the total displacement from positive maximum to negative maximum.

5.3. *Vibration stand.* A vibration stand shall be used which will vibrate at any desired frequency between 500 and 3000 cycles per minute and shall subject the instrument to vibration such that a point on the instrument will describe, in a plane inclined 45 degrees to the horizontal plane, a circle, the diameter of which is equal to the amplitude specified herein.

5.4. *Test position.* Unless otherwise specified, the instrument shall be mounted and tested in its normal operation position.

5.5. *Air sample.* Unless otherwise specified, air samples shall be as follows:

(1) Air containing 0.01% plus or minus .005% carbon monoxide, or

(2) Air containing smoke or gas having a light transmission value of 85% to 92% of that of clear air.

5.6. *Power conditions.* Unless otherwise specified all tests for performance shall be conducted at the power rating recommended by the manufacturer.

6. *Individual performance requirements.* All instruments, or components of such, shall be subjected to whatever tests the manufacturer deems necessary to demonstrate specific compliance with this specification including the following requirements where applicable.

6.1. *Response time.* The instrument shall be tested, so that, when an air sample per section 5.5 is introduced into the instrument under normal room temperature and atmospheric pressure conditions the alarm circuit or control circuit shall be energized within a maximum of 30 seconds.

6.2. *Dielectric.* The insulation shall be subjected to a dielectric test with an R. I. S. voltage at a commercial frequency applied for a period of 5 seconds equivalent to 5 times normal circuit operating voltage, except where circuits include components for which such a test would not be appropriate the test voltage shall be 1.25 times the normal circuit operating voltage. The insulation response shall not be less than 20 megohms at that voltage.

7. *Qualification tests.* As many instruments as deemed necessary to demonstrate that all instruments will comply with the requirements of this section shall be tested in accordance with the manufacturer's recommendations. The tests of each instru-

ment shall be conducted consecutively and after the tests have been initiated, no further adjustments of the instrument shall be permitted. For those instruments which employ a cycling device for testing a multiplicity of locations with one instrument, these tests shall be conducted on the basis of a single sample station. During these tests no false alarm shall result.

7.1. Stability. The instrument shall be operated continuously for 24 hours at room temperature. At the end of the first and twenty-fourth hour of operation a sample of air, per section 5.5, shall be introduced into the instrument and the time required for operation of the alarm circuit or control circuit shall not exceed 30 seconds.

7.2. Suction variation. The instrument shall be operated continuously by varying the suction from 25% below to 25% above the rated. At each of these values a sample of air, per section 5.5, shall be introduced into the instrument and the time required for operation of the alarm circuit or control circuit shall not exceed 30 seconds.

7.3. Voltage variation. The instrument shall be operated with the voltage varying from 110% to 85% of the rated. The instrument shall then be tested with an air sample, per section 5.5, and the response time shall not exceed 30 seconds.

7.4. High temperature. The instrument shall be exposed to a temperature of 70° C. for a period of 6 hours after which it shall be tested with air at 60° C. for a period of 30 minutes without giving a false alarm. The instrument shall then be tested with an air sample, per section 5.5, and the response time shall not exceed 30 seconds.

7.5. Low temperature. The instrument shall be exposed to a temperature of -65° C. for a period of 24 hours, after which it shall be raised to a temperature of -55° C. for a period of 6 hours. After operating for 30 minutes at a temperature -55° C., without giving a false alarm, the response time to the air sample in section 5.5 shall not exceed 30 seconds.

7.6. Humidity. The instrument shall be subjected to an atmosphere 32° C. with a relative humidity of 95%, with the air sample being taken from the same atmosphere. After operating in this manner for 5 hours, an air sample per section 5.5, shall be introduced into the instrument and the time required for operation of the alarm circuit or control circuit shall not exceed 30 seconds.

7.7. Altitude effect. The instrument shall be subjected to an altitude pressure equivalent to 40,000 feet. After operating in this manner continuously for five hours the time required for reaction of the alarm circuit or control circuit, on a sample of air per section 5.5, shall not exceed 30 seconds.

7.8. Vibration. The instrument shall be mounted on a vibration stand, in its own shock-mounted base, if provided with one, in its normal operating plane. The test shall be conducted with the instrument in normal operation condition. The instrument shall be subjected to vibration with an amplitude between 0.003 and 0.005 inch at frequencies from 500 to 3,000 cycles per minute, in order to determine whether the natural frequency of the instrument does occur in this frequency range.

7.9. Vibration endurance. With the instrument mounted on a vibration stand, per section 7.8 and with the instrument in a normal operating condition, it shall be vibrated continuously at a total amplitude of 0.03 inch for a period of 24 hours at the natural frequency, if applicable, as determined in section 7.8, or if not applicable at a frequency of 2,000 cycles per minute. At the completion of this test the instrument shall be examined to determine that no looseness in the mechanism nor damage to any part has resulted from the vibration and also, it shall be subjected to a sample of air intro-

duced into it as per section 5.5 and the response time shall not exceed 30 seconds.

§ 701.3 Specific instructions—(a) Marking. In addition to the identification information required in the referenced specification, each smoke detector shall be permanently marked with the Technical Standard Order designation, CAA-TSO-C1, to identify the smoke detector as meeting the requirements of this part in accordance with the manufacturers' Statement of Conformance outlined below. This identification will be accepted by the Civil Aeronautics Administration as evidence that the established minimum safety requirements for the smoke detector have been met.

(b) Data requirements. Ten copies of the following technical information shall be submitted to the Civil Aeronautics Administration, Aircraft and Components Service, Attn: A-298, Washington 25, D. C..

Installation recommendations prepared by the manufacturer covering the proper location, mounting, test circuits, and related technical information essential to insure proper functioning and maintenance of the unit as installed in the aircraft.

(c) Effective date. Starting 6 months after the date of this part, all smoke detectors required by Civil Air Regulations to be installed in civil aircraft, either as original installations or as replacements, shall comply with the terms herein. Smoke detectors installed prior to this effective date may continue in use until replacement is necessary.

(d) Deviations. Requests for deviation or waiver of the requirements of this part, which affect the basic airworthiness of the component, should be submitted for approval by the Director, Aircraft and Components Service, Office of Safety Regulation, Civil Aeronautics Administration. These requests should be addressed to the nearest regional office of the Civil Aeronautics Administration, Attn: Superintendent, Aircraft and Components Branch.

(e) Conformance. (1) The manufacturer shall furnish to the CAA (address as noted under "Data Requirements" in paragraph (b) of this section) a written Statement of Conformance signed by a responsible official of his company setting forth that the smoke detector to be produced by him meets the minimum safety requirements established in this part. Immediately thereafter distribution of the smoke detector conforming with the terms of this part may be started and continued.

(2) The prescribed identification on the smoke detector does not relieve the aircraft manufacturer or owner of responsibility for the proper application of the smoke detector in his aircraft, nor waive any of the requirements concerning type certification of the aircraft in accordance with existing Civil Air Regulations.

(3) If complaints of nonconformance with the requirements of this part are brought to the attention of the Civil Aeronautics Administration, and investigation indicates that such complaints are justified, the Administrator of Civil Aeronautics will take appropriate action

to restrict the use of the product involved.

(4) Copies of this Technical Standard Order and other Technical Standard Orders may be obtained from the Civil Aeronautics Administration, Aviation Information Staff, Washington 25, D. C.

This part shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 47-10038; Filed, Nov. 14, 1947;
8:48 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission [Order 140]

PART 125—PRESERVATION OF RECORDS OF PUBLIC UTILITIES AND LICENSEES

SCHEDULE OF RECORDS AND PERIODS OF RETENTION

NOVEMBER 10, 1947.

In the matter of the amendment of rules governing the preservation of records of public utilities and licensees subject to the provisions of the Federal Power Act; Docket No. R-104.

In this proceeding the Commission has under consideration amendments to Part 125—Preservation of Records of Public Utilities and Licensees, Subchapter C—Accounts, Federal Power Act, of Chapter I, Title 18, Code of Federal Regulations, pursuant to authority vested in the Commission by the Federal Power Act, particularly sections 301 (a) and 309 thereof (49 Stat. 854, 858; 16 U. S. C. 825 (a), 825h). The proposed amendments involve principally changes in the retention periods prescribed for certain types of records—shortening of the periods in most instances.

General public notice of the proposed amendment of the Commission's rules governing the preservation of records of public utilities and licensees subject to the provisions of the Federal Power Act has been given by publication of notice in the FEDERAL REGISTER on May 20, 1947 (12 F. R. 3250-3252) and by mailing notices to interested persons and State and Federal regulatory agencies. The existing rules which are proposed to be amended were adopted and promulgated by the Commission's order No. 54, effective August 1, 1938 (3 F. R. 2421-2429), after consultation and collaboration with the Committee on Statistics and Accounts of the National Association of Railroad and Utilities Commissioners. The amendments now under consideration, as was recited in the general public notice published in this matter on May 20, 1947, have been recommended by the foregoing Committee on Statistics and Accounts, including members of the Commission's staff, after consultation with various representatives of the utility industry and regulatory authorities. The recommended revisions, as published on May 20, 1947, were approved by the NARUC at its convention on November 13-15, 1946, in Los Angeles, California.

In response to the general public notice of May 20, 1947 a number of comments were filed by regulatory agencies and representatives of the utility industry. In general the responses indicated approval of the proposed revisions. Helpful suggestions were received for changing and clarifying the language of certain of the amendments proposed, in addition to some suggestions for expanding the revisions beyond the proposed amendments contemplated at this time.

Upon consideration of the proposed amendments, comments and suggestions,

adoption and promulgation of the proposed amendments, modified in accordance with certain of the suggestions filed in this proceeding, appear desirable and appropriate; and, further, promulgation of the modified amendments with an effective date of January 1, 1948 appears desirable and appropriate.

The Commission, acting pursuant to authority granted by the Federal Power Act, particularly sections 301 (a) and 309 thereof, and finding such action appropriate for carrying out the provisions of said act, orders that:

1. Section 125.2 *Schedule of records and periods of retention*, of Part 125—Preservation of Records of Public Utilities and Licensees, Subchapter C—Accounts, Federal Power Act, of Chapter I, Title 18 of the Code of Federal Regulations, be and the same is hereby amended, to the extent only of the records described and listed below from the "Description of records" column of the aforesaid section and schedule, so that the respective periods of time prescribed in the "Period to be retained" column, read as follows:

Description of records	Period to be retained		Description of records	Period to be retained	
	Rule before amendment	As amended herein		Rule before amendment	As amended herein
CORPORATE AND GENERAL			CORPORATE AND GENERAL—continued		
1. Capital stock records: (b) Capital stock subscription accounts.	Permanently.....	3 years.	18. Insurance records: (b) Records of self-insurance against losses from fire, casualties, and damages to property of others or to persons.	10 years.....	6 years.
2. Bond records: (a) Registered bond ledgers. (d) Stubs or similar records of bonds issued.	do.....	3 years after redemption. Do.	21. Tabulating machine records (not including billing machine records): (a) Tabulating or punched cards used in assembling figures to be posted to an account: (1) Where printed sheet or tape showing voucher number, account number, and amount on each sheet is not preserved: (i) Affecting operations and maintenance only. (ii) Affecting plant.	6 years.....	10 years.
Proxies and voting lists: (a) Proxies of holders of voting securities.	6 years.....	3 years.			
3. Contracts and agreements (see also item 30): (a) Service contracts, such as for management accounting, and financial services.	Permanently.....	See item 12b (2) if they affect cost of plant; otherwise, 10 years after expiration or cancellation.			
(d) Contracts and agreements with individual employees, labor unions, company unions, and other employee organizations relative to wage rates, hours and similar matters.	3 years after expiration or cancellation.	6 years after expiration or cancellation.			
(e) Contracts and agreements with employees and associated companies for the purchase or sale of the company's own securities.	10 years after expiration or cancellation.	Do.			
12. Journal vouchers and journal entries: (b) Material and supplies disbursement and labor distribution records supporting journal vouchers: (1) Affecting operations and maintenance only. (2) Affecting plant.	6 years..... Permanently.....	10 years. 10 years if (a) accounting adjustments resulting from reclassification and original cost studies have been approved by the regulatory commissions having jurisdiction; and (b) continuing plant inventory records are maintained, or (c) chronological distributions appear in work order records or cost ledger; otherwise, permanently.	(b) Printed sheets or tapes showing the details and summaries of accounting data indicated on the punched cards: (1) Affecting operations and maintenance only. (2) Affecting plant.	6 years..... Permanently.....	10 years. 10 years if (a) accounting adjustments resulting from reclassification and original cost studies have been approved by the regulatory commissions having jurisdiction; and (b) continuing plant inventory records are maintained; or (c) chronological distributions appear in work order records or cost ledger; otherwise, permanently.
(NOTE. Daily time tickets and material issued tickets may be destroyed at option if the basic information contained thereon is transcribed to other records if such other records are retained in accordance with this instruction.)					
15. Vouchers: (a) Paid and cancelled vouchers (1 copy), analysis sheets showing detailed distribution of charges on individual vouchers and other supporting papers. (b) Original bills and invoices for materials, services, etc., paid by vouchers and which should be attached thereto. (c) Paid checks and receipts for payments by voucher or otherwise. (d) Authorizations for the payment of specific vouchers.	do..... do..... 10 years..... Permanently.....	These relating to charges to plant, permanently; others, 10 years. Do. 6 years. 10 years.	PLANT AND DEPRECIATION RESERVE		
16. Accounts receivable (see items 43 and 44 for accounts with customers for electric service and for merchandise sales): (a) Records of accounts receivable pertaining to sales of electric plant. (c) Accounting department copies of invoices issued and supporting papers which do not accompany the original invoices. (d) Authorizations for charges including supporting papers.	do..... 6 years after payment. do.....	Do. 6 years. Do.	23. Construction work orders and supplemental records: (b) Authorizations for expenditures for additions to electric plant, including memoranda showing the detailed estimate of cost and the basis therefor. (Including original and revised or subsequent authorizations.) (c) Requisitions and registers of authorizations for electric plant expenditures. (d) Comparison or performance reports showing comparison between authorized estimates and actual expenditures for electric plant additions.	6 years after plant is retired. 6 years..... 6 years after plant is retired.	Relating to production plant, transmission line, and transmission substations—6 years after plant has been retired. Other plant—10 years. Do. Do.

RULES AND REGULATIONS

Description of records	Period to be retained		Description of records	Period to be retained	
	Rule before amendment	As amended herein		Rule before amendment	As amended herein
PLANT AND DEPRECIATION RESERVE—CON.			PAY ROLL AND PERSONNEL RECORDS		
24. Retirement work orders and supplemental records: (b) Authorizations for retirement of electric plant, including memoranda showing the basis for determination of cost of plant to be retired and estimates of salvage and removal costs. (c) Registers of retirement work orders.	6 years after plant is retired.	10 years.	48. Pay roll records: (b) Records showing the distribution of salaries and wages paid to officers and employees for each monthly, semimonthly, or weekly pay roll period and summaries or recapitulation statements of such distribution. (c) Time tickets, time sheets, time books, time cards, workmen's reports and other records showing hours worked, description of work, and accounts to be charged. (d) Paid checks, receipts for wages paid in cash, and other evidences of payments for services rendered by employees. (f) Applications and authorizations for changes in wage and salary rates, summaries and reports of changes in pay rolls, and similar records. (h) Pay roll authorizations and records of authorized positions. (i) Records of deductions from pay rolls for social security taxes. (k) Pension or annuity pay rolls.	See item 12 (b).....	See item 12 (b).
27. Book or card records showing description, location, quantities, cost, etc., of physical units (or items) of electric plant owned.	6 years.....	Do.	(e) Time tickets, time sheets, time books, time cards, workmen's reports and other records showing hours worked, description of work, and accounts to be charged. (d) Paid checks, receipts for wages paid in cash, and other evidences of payments for services rendered by employees. (f) Applications and authorizations for changes in wage and salary rates, summaries and reports of changes in pay rolls, and similar records. (h) Pay roll authorizations and records of authorized positions. (i) Records of deductions from pay rolls for social security taxes. (k) Pension or annuity pay rolls.	.....do.....	Do.
23. Maps showing the location and physical characteristics of production, transmission, and distribution systems of the utility.	Permanently.....	Until record is superseded or 6 years after plant is retired, provided mortality data are retained.	(d) Paid checks, receipts for wages paid in cash, and other evidences of payments for services rendered by employees. (f) Applications and authorizations for changes in wage and salary rates, summaries and reports of changes in pay rolls, and similar records. (h) Pay roll authorizations and records of authorized positions. (i) Records of deductions from pay rolls for social security taxes. (k) Pension or annuity pay rolls.	10 years.....	3 years.
29. Engineering records in connection with construction projects: (a) Maps, diagrams, profiles, plans, photographs, records of engineering studies, and similar records in connection with proposed construction projects: (i) If construction of project results wholly or in part.	.....do.....	Until map is superseded or 6 years after plant is retired, provided mortality data are retained.	(d) Paid checks, receipts for wages paid in cash, and other evidences of payments for services rendered by employees. (f) Applications and authorizations for changes in wage and salary rates, summaries and reports of changes in pay rolls, and similar records. (h) Pay roll authorizations and records of authorized positions. (i) Records of deductions from pay rolls for social security taxes. (k) Pension or annuity pay rolls.	6 years.....	Do.
TREASURY	.....do.....	Until record is superseded or 6 years after plant is retired.	(d) Paid checks, receipts for wages paid in cash, and other evidences of payments for services rendered by employees. (f) Applications and authorizations for changes in wage and salary rates, summaries and reports of changes in pay rolls, and similar records. (h) Pay roll authorizations and records of authorized positions. (i) Records of deductions from pay rolls for social security taxes. (k) Pension or annuity pay rolls.	.....do.....	Do.
36. Customers' service applications and contracts: (b) Applications for electric service used in lieu of contracts. (c) Contracts and card files or other records thereof with customers for electric service (see also item 9 (b)). (e) Contracts or sales agreements with customers and others for sale of electric merchandise and appliances. (f) Contracts for lease of motors, transformers, and other equipment to customers, including receipts for same. (g) Applications and contracts for extension of lines covered by refundable deposits or guarantees of revenue, also records pertaining to such contracts.	3 years after service is discontinued.	1 year after service has been discontinued.	(d) Paid checks, receipts for wages paid in cash, and other evidences of payments for services rendered by employees. (f) Applications and authorizations for changes in wage and salary rates, summaries and reports of changes in pay rolls, and similar records. (h) Pay roll authorizations and records of authorized positions. (i) Records of deductions from pay rolls for social security taxes. (k) Pension or annuity pay rolls.	.....do.....	Do.
(c) Contracts and card files or other records thereof with customers for electric service (see also item 9 (b)). (e) Contracts or sales agreements with customers and others for sale of electric merchandise and appliances. (f) Contracts for lease of motors, transformers, and other equipment to customers, including receipts for same. (g) Applications and contracts for extension of lines covered by refundable deposits or guarantees of revenue, also records pertaining to such contracts.	3 years after expiration or cancellation.	1 year after expiration or cancellation.	(d) Paid checks, receipts for wages paid in cash, and other evidences of payments for services rendered by employees. (f) Applications and authorizations for changes in wage and salary rates, summaries and reports of changes in pay rolls, and similar records. (h) Pay roll authorizations and records of authorized positions. (i) Records of deductions from pay rolls for social security taxes. (k) Pension or annuity pay rolls.	.....do.....	Do.
(e) Contracts or sales agreements with customers and others for sale of electric merchandise and appliances. (f) Contracts for lease of motors, transformers, and other equipment to customers, including receipts for same. (g) Applications and contracts for extension of lines covered by refundable deposits or guarantees of revenue, also records pertaining to such contracts.	3 years after sales agreement is discharged.	1 year after sales agreement is discharged.	(d) Paid checks, receipts for wages paid in cash, and other evidences of payments for services rendered by employees. (f) Applications and authorizations for changes in wage and salary rates, summaries and reports of changes in pay rolls, and similar records. (h) Pay roll authorizations and records of authorized positions. (i) Records of deductions from pay rolls for social security taxes. (k) Pension or annuity pay rolls.	.....do.....	Do.
(f) Contracts for lease of motors, transformers, and other equipment to customers, including receipts for same. (g) Applications and contracts for extension of lines covered by refundable deposits or guarantees of revenue, also records pertaining to such contracts.	3 years after expiration of contract or return of equipment.	1 year after expiration of contract or return of equipment.	(d) Paid checks, receipts for wages paid in cash, and other evidences of payments for services rendered by employees. (f) Applications and authorizations for changes in wage and salary rates, summaries and reports of changes in pay rolls, and similar records. (h) Pay roll authorizations and records of authorized positions. (i) Records of deductions from pay rolls for social security taxes. (k) Pension or annuity pay rolls.	.....do.....	Do.
(g) Applications and contracts for extension of lines covered by refundable deposits or guarantees of revenue, also records pertaining to such contracts.	3 years after entire amount is refunded.	1 year after entire amount is refunded.	(d) Paid checks, receipts for wages paid in cash, and other evidences of payments for services rendered by employees. (f) Applications and authorizations for changes in wage and salary rates, summaries and reports of changes in pay rolls, and similar records. (h) Pay roll authorizations and records of authorized positions. (i) Records of deductions from pay rolls for social security taxes. (k) Pension or annuity pay rolls.	.....do.....	Do.
39. Meter reading sheets and records: (a) Superseded meter reading sheets. (c) Superseded indexes to meter books.	6 years.....	3 years after superseded or service has been discontinued. Do.	(d) Paid checks, receipts for wages paid in cash, and other evidences of payments for services rendered by employees. (f) Applications and authorizations for changes in wage and salary rates, summaries and reports of changes in pay rolls, and similar records. (h) Pay roll authorizations and records of authorized positions. (i) Records of deductions from pay rolls for social security taxes. (k) Pension or annuity pay rolls.	.....do.....	Do.
45. Collection reports and records: (b) Bill stubs, copies of bills, collection slips, and other records pertaining to collections, summarized or detailed in daily or periodic cash reports. (c) Memorandum records of remittances from local or branch offices.	3 years.....	1 year.	(d) Paid checks, receipts for wages paid in cash, and other evidences of payments for services rendered by employees. (f) Applications and authorizations for changes in wage and salary rates, summaries and reports of changes in pay rolls, and similar records. (h) Pay roll authorizations and records of authorized positions. (i) Records of deductions from pay rolls for social security taxes. (k) Pension or annuity pay rolls.	.....do.....	Do.
46. Customers' account adjustments: (a) Detailed records pertaining to adjustments of customers' accounts for overcharges, undercharges, and other errors, results of which have been transcribed to other records. (b) Detailed records of high-bill complaints whether or not resulting in adjustments to customers' accounts.	.....do.....	Do.	(d) Paid checks, receipts for wages paid in cash, and other evidences of payments for services rendered by employees. (f) Applications and authorizations for changes in wage and salary rates, summaries and reports of changes in pay rolls, and similar records. (h) Pay roll authorizations and records of authorized positions. (i) Records of deductions from pay rolls for social security taxes. (k) Pension or annuity pay rolls.	.....do.....	Do.
	3 years, if individual accounts can be identified; otherwise, 6 years.	Do.	(d) Paid checks, receipts for wages paid in cash, and other evidences of payments for services rendered by employees. (f) Applications and authorizations for changes in wage and salary rates, summaries and reports of changes in pay rolls, and similar records. (h) Pay roll authorizations and records of authorized positions. (i) Records of deductions from pay rolls for social security taxes. (k) Pension or annuity pay rolls.	.....do.....	Do.
	3 years.....	Do.	(d) Paid checks, receipts for wages paid in cash, and other evidences of payments for services rendered by employees. (f) Applications and authorizations for changes in wage and salary rates, summaries and reports of changes in pay rolls, and similar records. (h) Pay roll authorizations and records of authorized positions. (i) Records of deductions from pay rolls for social security taxes. (k) Pension or annuity pay rolls.	.....do.....	Do.
			PURCHASES AND STORES		
			54. Purchases: (d) Contracts for the purchase of materials and supplies: (1) Contracts for materials used directly in construction. (2) Contracts for other material.	Until plant is retired..	25 years, except that those relating to the construction of licensed projects, or additions or betterments thereto, for which the Commission has not determined the actual legitimate original cost, shall be retained 25 years and until such cost has been determined. 6 years.
			55. Material ledgers: (a) Ledger sheets and card records of materials and supplies received, issued, and on hand.	6 years.....	6 years.
				Permanently.....	See item 12 (b).

Description of records	Period to be retained		Description of records	Period to be retained	
	Rule before amendment	As amended herein		Rule before amendment	As amended herein
PURCHASES AND STORES—CON.			OPERATIONS—continued.		
56. Materials and supplies received and issued:			57. Production—Continued.		
(c) Records showing the detailed distribution of materials and supplies issued during accounting periods.	See item 12 (b).	See item 12 (b).	(a) Oil and waste reports.	6 years.	3 years.
(d) Material disbursement tickets showing quantities, unit prices, and accounts to be charged for materials and supplies issued from stores for use.	do.	Do.	(b) Load curves, temperature logs, and water logs.	do.	Do.
(e) Materials returned credit slips, showing details of materials returned to stock.	do.	Do.	(c) Usage-reporting reports.	do.	3 years, except river flow data collected in connection with hydro-irrigation shall be retained permanently.
58. Inventories of materials and supplies:			59. Transmission and distribution:		
(a) General inventories of materials and supplies on hand with records of adjustments of accounts required to bring stores records into agreement with physical inventories.	6 years.	3 years.	(b) Records of meter tests.	For life of meter.	Until superseding test but not less than 2 years.
			(c) Records of transformer inspections, oil tests.	For life of transformer.	6 years.
			NOTE: Life or mortality study data for depreciation purposes shall be retained permanently.		
			61. Customers' service:		
			(a) Reports of inspections of customers' premises.	6 years.	3 years.
			(b) Records and reports of customers' service complaints.	do.	Do.
			(c) Records of installed customers' appliances.	1 year after displaced or superseded.	Do.
OPERATIONS					
59. Production:					
(e) Station and system generation reports.	Permanently.	25 years, except that those relating to licensed projects, or additions or betterments thereto, for which the Commission has not determined the actual legitimate original cost, shall be retained 25 years and until such cost has been determined.			

2. The said Part 125 of the aforesaid Chapter and Title of the Code of Federal Regulations, particularly the aforesaid § 125.2 thereof, as amended herein, be and the same is hereby promulgated and prescribed to become effective January 1, 1948.

3. The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

Date of issuance: November 13, 1947.

By the Commission.

[SEAL] J. H. GUTHRIE,
Acting Secretary.

[F. R. Doc. 47-10138; Filed, Nov. 13, 1947;
8:55 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 1—ORGANIZATION AND PROCEDURES

DELEGATIONS OF AUTHORITY

Pursuant to section 3 of the Administrative Procedure Act (60 Stat. 237, 238) the following notice of delegations of authority is issued and § 1.2 *Delegations of authority* is amended as follows: 1. The delegations of final authority of the Commissioner of Food and Drugs provided in Part 1, § 1.2 (b) (3) and (4) (21 CFR 1.2 (b) (3) and (4)) published in 11 F. R. at page 177A-542, are hereby revoked. Final authority of the Commissioner of Food and Drugs to act for the purposes of regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, and Public Law 16, 80th Cong. 1st Sess., 21 U. S. C. Sup. 357) is delegated to Charles

No. 224—3

W. Crawford, Louis D. Elliott, George P. Larrick, Henry Welch, Donald C. Grove and William R. Jester.

2. Part 2, § 1.2 (b) (3) shall read as follows:

(3) To Charles W. Crawford, Louis D. Elliott, George P. Larrick, Henry Welch, Donald C. Grove, and William R. Jester, to act in behalf of the Commissioner for the purposes of the regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act as amended, governing certification of batches of penicillin- and streptomycin-containing drugs.

3. Subparagraph (5) of paragraph (b) shall become subparagraph (4)

[SEAL] JEWELL W. SWOFFORD,
Commissioner for Special Services.

Approved: November 12, 1947.

OSCAR R. EWING,
Administrator.

[F. R. Doc. 47-10132; Filed, Nov. 14, 1947;
8:48 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VI—Public Housing Administration

PART 603—FINAL DELEGATIONS OF AUTHORITY

DELEGATIONS TO FIELD PROJECT PERSONNEL

Section 603.4 (b) (11 F. R. 177A-908) is hereby amended, effective upon publication in the FEDERAL REGISTER, to read as follows:

§ 603.4 *Delegations to field project personnel.* * * *

(b) *Delegation of authority to project engineers, veterans' emergency housing*

projects—(1) Provisions of cost-plus-a-fixed-fee construction contract (Form PHA-1482). Article 2b of the General Conditions of the cost-plus-a-fixed-fee construction contract states that "the project engineer is the authorized representative of the contracting officer for the purposes specified in * * * certain listed paragraphs of the contract. Project engineers are therefore hereby delegated authority to exercise those functions listed in subparagraphs (2) and (3) of this paragraph, subject to the limitations set forth therein.

(2) *Delegations limited only by considerations set forth in the cost-plus-a-fixed-fee contract.* The project engineer shall act as the representative of the contracting officer for the purposes set forth in articles 3, 5, 6, 10, 14, 15, 19, 25, 26, 28, 29, 31, 32, 33, 34, 35, 36 and 45 of the general conditions of the cost-plus-a-fixed-fee construction contract. The project engineer is not the authorized representative of the contracting officer for the purpose of approving changes contemplated under Article 13 of the general conditions of the contract, in connection with the construction of reactivated re-use veterans housing units, notwithstanding the provisions in Article 2b of the General conditions of said contract, but continues to have authority on other Title V work to approve changes up to \$500 in amount.

(3) *Delegations subject to additional administrative limitations.* The project engineer shall act as representative of the contracting officer for the purposes set forth in Articles 8 and 18 of those general conditions subject to the limitations set forth below.

(1) *Article 8: Construction subcontract work and payments therefor.* (a) The project engineer is empowered to approve

subcontractors and subcontracts, subject to the following limitations:

(1) Cost-plus-fixed-fee subcontracts must have the prior approval of the assistant regional director for program operations, or his authorized representative.

(2) The project engineer is the authorized representative of the contracting officer for the purpose of approving any lump-sum subcontract, which does not involve an amount in excess of \$500, and subject to this limitation, modifications of such subcontracts. Regional construction engineers are authorized to give prior approval to subcontracts in excess of \$500, but not in excess of \$2,500. The assistant regional director for program operations may give prior approval to subcontract within the limitation of the approved, allocated funds available for construction.

(b) The project engineer is the authorized representative of the contracting officer, for the purpose of accepting delivery, by the contractor, of two fully executed copies (and three conformed copies) of each approved subcontract, together with the original proposal.

(c) The project engineer is the authorized representative of the contracting officer, for the purpose of making determinations with regard to specialty work and specialty subcontractors, subject to the limitations of subdivision (a) of this subdivision.

(d) The project engineer's powers with regard to approval of the form, substance and amount of changes in lump-sum subcontracts are limited to those which involve an amount not in excess of \$500. Regional construction engineers are authorized to approve changes in excess of \$500 but not in excess of \$2,500. The assistant regional director for program operations may approve changes within the limitation of approved, allocated funds available for construction. In connection with the construction of reactivated, re-use housing units, all changed work (except minor modifications) and change orders must be approved in advance by the regional contracting officer.

(4) *Execution of attachment or garnishment process.* The project engineer shall accept service of process properly issued pursuant to attachment or garnishment proceedings, when served on employees under his supervision out of a court of competent jurisdiction, and shall execute all necessary and proper documents required in connection therewith.

(50 Stat. 890; 59 Stat. 260, 674; 60 Stat. 85; Public Law 85, 80th Congress; 61 Stat. 128; 42 U. S. C. 1405, 1571, 1572)

Approved: November 7, 1947.

PHILIP M. GLICK,
Acting Commissioner

[F. R. Doc. 47-10100; Filed, Nov. 14, 1947; 8:48 a. m.]

Chapter VIII—Office of Housing Expediter

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947

RENT REGULATION FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS¹

Amendment 7 to the Rent Regulations for Controlled Rooms in Rooming Houses and Other Establishments.² The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§ 825.5) is amended in the following respects:

1. Schedule B is amended by incorporating item 8 as follows:

8. Provisions relating to Concordia Defense-Rental Area, State of Kansas.

Decontrol based upon the recommendation of the Local Advisory Board. The application of the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments is terminated in the Concordia Defense-Rental Area.

2. Schedule A, item 115a, is amended to read as follows: "(115a) [Revoked and decontrolled]."

This amendment shall become effective November 14, 1947.

Issued this 14th day of November 1947.

OFFICE OF THE HOUSING
EXPEDITER,
By JAMES V SARCONI,
Authorizing Officer.

Statement to Accompany Amendment 7 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments

The local Advisory Board for the Concordia Defense-Rental Area, Kansas, has, in accordance with section 204 (e) (1) (A) of the Housing and Rent Act of 1947, recommended the decontrol of the Concordia Defense-Rental Area, which is composed of the County of Cloud.

The Housing Expediter has found that the recommendation is appropriately substantiated and in accordance with applicable law and regulations and is therefore issuing this amendment to effectuate the recommendation.

[F. R. Doc. 47-10195; Filed, Nov. 14, 1947; 10:40 a. m.]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947

CONTROLLED HOUSING RENT REGULATION

Amendment 7 to the Controlled Housing Rent Regulation.² The Controlled Housing Rent Regulation (§ 825.1) is amended in the following respects:

1. Schedule B is amended by incorporating item 8 as follows:

¹ 12 F. R. 4302, 5423, 5457, 5699, 6027, 6686, 6923, 7111.

² 12 F. R. 4331, 5421, 5454, 5697, 6027, 6687, 6923, 7111.

8. Provisions relating to Concordia Defense-Rental Area, State of Kansas.

Decontrol based upon the recommendation of the Local Advisory Board. The application of the Controlled Housing Rent Regulation is terminated in the Concordia Defense-Rental Area.

2. Schedule A, item 115a, is amended to read as follows: "(115a) [Revoked and decontrolled]."

This amendment shall become effective November 14, 1947.

Issued this 14th day of November 1947.

OFFICE OF THE HOUSING
EXPEDITER,
By JAMES V SARCONI,
Authorizing Officer

Statement to Accompany Amendment 7 to the Controlled Housing Rent Regulation

The Local Advisory Board for the Concordia Defense-Rental Area, Kansas, has, in accordance with section 204 (e) (1) (A) of the Housing and Rent Act of 1947, recommended the decontrol of the Concordia Defense-Rental Area, which is composed of the County of Cloud.

The Housing Expediter has found that the recommendation is appropriately substantiated and in accordance with applicable law and regulations and is therefore issuing this amendment to effectuate the recommendation.

[F. R. Doc. 47-10196; Filed, Nov. 14, 1947; 10:40 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 681—HOME WORKERS IN INDUSTRIES IN PUERTO RICO OTHER THAN NEEDLEWORK INDUSTRIES

ENFORCEMENT POLICIES

CROSS REFERENCE: The cross reference appearing in the middle column on page 7285 of the issue for Friday, November 7, 1947, should read as follows:

The enforcement policies relating to home workers in the needlework industries in Puerto Rico which are contained in § 545.100 of this chapter (12 F. R. 7285) are also applicable to home workers in industries in Puerto Rico other than the needlework industries.

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 1—AUTHORITY, GENERAL ORGANIZATION AND FUNCTIONS OF THE NAVAL ESTABLISHMENT

ORDER OF SUCCESSION OF OFFICERS AUTHORIZED TO ACT AS SECRETARY OF THE NAVY

CROSS REFERENCE: For amendment of Executive Order 9635, referred to in § 1.1 (c), see Executive Order 9904 under Title 3, *supra*, prescribing the order of succession of officers authorized to act as Secretary of the Navy.

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—ORGANIZATION, PRACTICE, AND PROCEDURE

APPLICATIONS FOR EXPERIMENTAL STATIONS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of November 1947;

The Commission having under consideration a proposal that applications for Class 2 experimental radio authorizations looking toward the development of the Citizens' Radio Service and establishment of Highway Maintenance Radio stations be reviewed and acted upon by duly authorized officials of the Commission instead of being referred for formal consideration by the Commission; and

It appearing, that the delegation of such authority to the Commission's staff would facilitate administrative determinations of such applications and would be of great assistance to applicants in

that applications could be processed more expeditiously; and

It further appearing, that such applications do not involve matters of Commission policy and that the proposed delegation is authorized by the Communications Act of 1934, as amended; and

It further appearing, that § 1.144 (b) of the Commission's rules and regulations already provides that certain applications for authorizations in the experimental radio services may be acted upon by the Secretary with the approval of the General Counsel and the Chief Engineer; and

It further appearing, that the proposed amendment is procedural and that notice of proposed rule making pursuant to section 4 of the Administrative Procedure Act is not required;

It is ordered, That effective immediately § 1.144 (b) of Part 1, "Rules Relating to Organization and Practice and Procedure" be amended to read as follows:

§ 1.144 *Authority delegated to Secretary upon securing approval of the Law and Engineering Departments.* * * *

(b) Applications for Class 1 and Class 3 experimental stations and all applica-

tions for Class 2 experimental stations in established services and in the proposed General Mobile, Rural Radiotelephone, Industrial, and Citizens Services and Highway Maintenance and radar navigational aid stations, except (1) those falling under §§ 1.121 and 1.141, and (2) those rendering or proposing to render a common carrier service.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-10113; Filed, Nov. 14, 1947; 8:46 a. m.]

PART 3—RADIO BROADCAST SERVICES

APPENDIX TO SUBPART E—STANDARDS OF GOOD ENGINEERING PRACTICE CONCERNING FM BROADCAST STATIONS

Set forth below are sections 16, 17, and 18 of the Standards of Good Engineering Practice concerning FM Broadcast Stations, revised to October 27, 1947:

Sec. 16. *Approved transmitters.*

Manufacturer's name	Type No.	Rated power	Type of approval ¹	Manufacturer's name	Type No.	Rated power	Type of approval ¹
Collins Radio Co., Cedar Rapids, Iowa.	731A	250 watts	Final.	Radio Corporation of America, New York, N. Y.	BTF-3B	3 kw.	Tentative.
Do.	732A	1 kw.	Do.	Do.	BTF-10B	10 kw.	Do.
Do.	733A	3 kw.	Do.	Do.	BTF-30A	30 kw.	Do.
Do.	734A	10 kw.	Tentative.	Do.	42A-DL	250 watts	Do.
Do.	735A	25 kw.	Do.	Radio Engineering Laboratories, Long Island City, N. Y.	418A-DL	1 kw.	Do.
Do.	736A	50 kw.	Do.	Do.	RF-20	20 watts	Do.
Federal Telephone & Radio Corp., Newark, N. J.	191A	1 kw.	Final.	Raytheon Manufacturing Co., Chicago, Ill.	RF-1000	1 kw.	Do.
Do.	192A	3 kw.	Do.	Do.	RF-3	3 kw.	Do.
Do.	193A	10 kw.	Tentative.	Do.	401 B-1	20 watts	Do.
Do.	193A	20 kw.	Do.	Do.	401 B-2	20 watts	Do.
Do.	194A	50 kw.	Do.	Do.	403 B-1	1 kw.	Final.
Gates Radio Co., Quincy, Ill.	BF-250A	250 watts	Final.	Do.	403 B-2	1 kw.	Do.
Do.	BF-1A	1 kw.	Do.	Do.	404 B-1	3 kw.	Tentative.
Do.	BF-3A	3 kw.	Do.	Do.	404 B-2	3 kw.	Do.
General Electric Co., Schenectady, N. Y.	BT-1-A	250 watts	Do.	Do.	405 B-1	10 kw.	Do.
Do.	BT-1-B	250 watts	Do.	Do.	405 B-2	10 kw.	Do.
Do.	BT-2-A	1 kw.	Do.	Do.	405 B-2	25 kw.	Do.
Do.	BT-2-B	1 kw.	Do.	Do.	407 B-1	50 kw.	Do.
Do.	BT-3-A	3 kw.	Do.	Do.	407 B-2	50 kw.	Do.
Do.	BT-3-B	3 kw.	Do.	Do.	407 B-2	50 kw.	Do.
Do.	BT-4-A	10 kw.	Tentative.	Do.	407 B-2	50 kw.	Do.
Do.	BT-5-A	50 kw.	Do.	Westinghouse Electric & Mfg. Co., Baltimore, Md.	EM-1	1 kw.	Do.
Harvey Radio Laboratories, Inc., Cambridge, Mass.	FM-500	250 watts	Final.	Do.	EM-3	3 kw.	Do.
Radio Corporation of America, New York, N. Y.	MI-7016	Exclter.	Do.	Do.	EM-10	10 kw.	Tentative.
Do.	BTF-250A	250 watts	Do.	Do.	EM-50	50 kw.	Do.
Do.	BTF-10	1 kw.	Do.				

¹ Tentative approval indicates that the manufacturer has supplied the Commission with preliminary data including guaranteed performance of equipment to be constructed or under construction. Final approval indicates that construction details and measured performance data of completed equipment have been supplied.

SEC. 17. *Approved frequency monitors.*

Manufacturer's Name and Type No.

Doolittle Radio, Inc., Chicago, Ill. FD11.
General Electric Company, Schenectady, N. Y. BM-1-A.
Radio Engineering Laboratories, Long Island City, N. Y.: 600.
Hewlett-Packard Co., Palo Alto, Calif. 335B.

SEC. 18. *Approved modulation monitors.*

Manufacturer's Name and Type No.

Doolittle Radio, Inc., Chicago, Ill. FD11.

General Electric Company, Schenectady, N. Y. BM-1-A.
Radio Engineering Laboratories, Long Island City, N. Y.: 600.
Hewlett-Packard Co., Palo Alto, Calif. 335B.
(Sec. 303 (e) 48 Stat. 1082; sec. 303 (r), 50 Stat. 191; 47 U. S. C. 303 (e), 303 (r))

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-10112; Filed, Nov. 14, 1947; 8:46 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 723]

PART 95—CAR SERVICE

SUBSTITUTION OF REFRIGERATOR CARS FOR BOX CARS ON UNION PACIFIC

At a session of the Interstate Commerce Commission, Division 3, held at its

office in Washington, D. C., on the 7th day of November A. D. 1947.

It appearing, that there are certain PFE refrigerator cars on the Union Pacific Railroad Company in Oregon and Idaho not suitable for transporting commodities requiring protective service and that such cars are suitable for transporting other freight; in the opinion of the Commission an emergency exists requiring immediate action in Oregon, Idaho, Utah, Nevada and California. It is ordered, that:

§ 95.788. *Substitution of refrigerator cars for box cars on U. P.* (a) (1) Except as provided in paragraph (a) (2) of this section, the Union Pacific Railroad Company, from origins located in the State of Idaho, or in the State of Oregon to destinations in the States of Utah, Nevada and California may, at its option, furnish and transport not more than three (3) PFE refrigerator cars in lieu of each box car ordered, subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car, provided such refrigerator cars are not suitable for transporting freight requiring protective service.

(2) On shipments on which the carload minimum weight varies with the size of the car:

(i) Two (2) PFE refrigerator cars may be furnished in lieu of one (1) box car ordered of a length of 40'7" or less, subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car of the size ordered.

(ii) Three (3) PFE refrigerator cars may be furnished in lieu of one (1) box car ordered of a length of over 40'7" but not over 50'7" subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car of the size ordered.

(b) *Application.* The provisions of this section shall apply to shipments moving in intrastate commerce as well as to those moving in interstate commerce.

(c) *Effective date.* This section shall become effective at 12:01 a. m., November 8, 1947.

(d) *Expiration date.* This section shall expire at 11:59 p. m., March 10, 1948, unless otherwise modified, changed, suspended or annulled by order of this Commission.

(e) *Conflicting service orders suspended.* The operation of Service Order No. 68 (8 F. R. 8513) of January 30, 1942, as amended (8 F. R. 8513, 14224, 16265; 9 F. R. 7206, 14306; 10 F. R. 6040, 8142, 9720, 12090; 11 F. R. 562, 6983) and all other orders of the Commission insofar as they conflict with the provisions of this section, or as amended, is suspended.

(f) *Rules and regulations suspended.* The operation of all rules and regulations insofar as they conflict with the provisions of this section is hereby suspended.

(g) *Announcement of suspension.* Each of such railroads, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein.

It is further ordered, that this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL]

W P BARTEL,
Secretary.

[F. R. Doc. 47-10108; Filed, Nov. 14, 1947;
8:50 a. m.]

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

REFRIGERATOR CARS CONTAINING PORTABLE HEATERS

CROSS REFERENCE: For an exception to the provisions of § 500.3, see Part 520 of the chapter, *infra*.

[Gen. Permit ODT 1, Rev. 9A]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

REFRIGERATOR CARS CONTAINING PORTABLE HEATERS

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, and General Order ODT 1, Revised, as amended, it is hereby ordered, that:

§ 520.11 *Refrigerator cars containing portable heaters.* Notwithstanding the restrictions contained in § 500.3 of General Order ODT 1, Revised, as amended (11 F. R. 8228, 8740, 9040, 10616) any common carrier by railroad may accept from a shipper, or load and forward from or within any city or town to any point within the United States any refrigerator car containing merchandise consisting exclusively of portable heaters used or to be used in the protection of shipments by rail if such car would otherwise move empty to such point.

This General Permit ODT 1, Revised-9A, shall become effective November 14, 1947.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, 61 Stat. 34, 321, 50 U. S. C. App. Sup. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641)

Issued at Washington, D. C., this 12th day of November 1947.

J. M. JOHNSON,
Director,

Office of Defense Transportation.

[F. R. Doc. 47-10111; Filed, Nov. 14, 1947;
8:48 a. m.]

PROPOSED RULE MAKING

TREASURY DEPARTMENT

Bureau of Customs

[19 CFR, Part 6]

[192-7.31]

OGDENSBURG MUNICIPAL AIRPORT, OGDENSBURG, N. Y.

NOTICE OF PROPOSED REDESIGNATION AS AIRPORT OF ENTRY WITHOUT TIME LIMIT

Notice is hereby given that, pursuant to authority contained in section 7 (b) of the Air Commerce Act of 1926, as

amended (49 U. S. C., Sup., 177 (b)) it is proposed to redesignate, effective December 10, 1947, the Ogdensburg Municipal Airport, Ogdensburg, New York, as an airport of entry for civil aircraft and for merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the said act (49 U. S. C. 179 (b)) without time limit.

It is further proposed to amend the list of airports of entry in § 6.12, Customs Regulations of 1943 (19 CFR, Cum. Supp., 6.12) to include the location and name of this airport, and to amend the

list of temporary airports of entry in § 6.13, Customs Regulations of 1943 (19 CFR, Cum. Supp., 6.13) as amended, by deleting the location, name, and date and period of designation of the airport involved.

This notice is published pursuant to section 4 of the Administrative Procedure Act (Public Law 404, 79th Congress) Data, views, or arguments with respect to the proposed redesignation of the above-named airport as an airport of entry may be addressed to the Commissioner of Customs, Bureau of Customs,

Washington 25, D. C., in writing. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER.

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

NOVEMBER 10, 1947.

[F. R. Doc. 47-10110; Filed, Nov. 14, 1947; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 930]

[Docket No. AO-72-A10]

HANDLING OF MILK IN TOLEDO, OHIO, MARKETING AREA

PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601, et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Supps. 900.1 et seq., 11 F. R. 7737, 12 F. R. 1159, 4904) notice is hereby given of a public hearing to be held at the Staff Meeting Room, Second Floor, Toledo Public Library, 325 Michigan Street, Toledo, Ohio, beginning at 10:00 a. m., e. s. t., November 19, 1947, for the purpose of receiving evidence with respect to proposed amendments to the tentative marketing agreement as heretofore approved (12 F. R. 6618) by the Secretary of Agriculture, and to the order, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area (12 F. R. 2067, 6945). These proposed amendments have not received the approval of the Secretary of Agriculture.

This public hearing is for the purpose of receiving evidence with respect to economic and emergency conditions which relate to the proposed amendments hereinafter set forth.

The following amendments have been proposed:

By the Northwestern Cooperative Sales Association:

Amend the provisions of § 930.5 so as to provide Class I "floor" prices for a limited period in 1948 at the December 1947 "floor" price level.

By the Dairy Branch, Production and Marketing Administration:

Make such other changes as may be required to make the entire marketing agreement and the order, as amended, conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing and of the tentative marketing agreement, and the order, as amended, now in effect, may be procured from the market administrator, Room 19, Old Federal Building, Toledo, Ohio, or from the Hearing Clerk, United States Department of Agriculture, in Room 1844, South Building,

Washington 25, D. C., or may be there inspected.

Dated: November 12, 1947.

[SEAL] F. R. BURKE,
Acting Assistant Administrator.

[F. R. Doc. 47-10144; Filed, Nov. 14, 1947; 8:49 a. m.]

[7 CFR, Part 944]

[Docket No. AO 105-A5]

HANDLING OF MILK IN QUAD CITIES MARKETING AREA

PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601, et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Supps., 900.1 et seq., 12 F. R. 1159, 4904), notice is hereby given of a public hearing to be held in the Council Chambers, City Hall, at Rock Island, Illinois, beginning at 10:00 a. m., e. s. t., November 20, 1947, for the purpose of receiving evidence with respect to the amendments hereinafter set forth or appropriate modifications thereof to the tentative marketing agreement heretofore approved (12 F. R. 4273) by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Quad Cities marketing area (7 CFR, Supps., 944.0 et seq., 12 F. R. 5036). These proposed amendments have not received the approval of the Secretary of Agriculture.

The proposed amendments on which evidence will be received were submitted by the Quad City Association of Milk Dealers, Inc. (hereinafter referred to as the "handlers"), and jointly by the Illinois-Iowa Milk Producers Association, Inc., and the Quality Milk Association (hereinafter referred to as the "producers")

1. Delete paragraph (e) of § 944.1 and substitute therefor the following:

(e) "Producer" means any person, except as provided in § 944.8 (b) irrespective of whether such person is also a handler, who produces milk, which is received directly from the farm where produced at a plant where any fluid milk is bottled for disposition as Class I milk in the market.

2. Delete paragraph (a) (1) of § 944.4 and substitute therefor the following:

(1) For Class I milk—the price shall be the price for Class III milk for the preceding delivery period plus 70 cents per hundredweight.

3. Delete paragraph (a) (2) of § 944.4 and substitute therefor the following:

(2) For Class II milk—the price shall be the price for Class III milk for the preceding delivery plus 25 cents per hundredweight.

4. Delete paragraph (a) (3) of § 944.4 and substitute therefor the following:

(3) For Class III milk the price shall be the result of the following computation by the market administrator: Determine the average of the basic or field prices per hundredweight ascertained to have been paid for milk of 3.5 percent butterfat content during such delivery period by the plants listed in this subparagraph at the plants listed in this subparagraph. *Provided*, That if the price so determined is less than the price computed by the market administrator in accordance with the following formula, such formula price shall be the price of Class III milk for such delivery period: multiply by 0.4 the average weekly prevailing price per pound of the cheese known as "Twins" during said delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin (in the absence of such prices the prevailing price of "Twins" at Chicago as reported by the United States Department of Agriculture (or such other Federal Agency as may hereafter be authorized to perform this price reporting function) shall be used) add the average wholesale price per pound of 92-score butter at Chicago for said delivery period as reported by the United States Department of Agriculture (or such other Federal Agency as may hereafter be authorized to perform this price reporting function) and multiply such result by 3.9.

Concern

Amboy Milk Products Co., Amboy, Ill.
Borden Co., Sterling, Ill.
Borden Co., Dixon, Ill.
Carnation Milk Co., Oregon, Ill.
Carnation Milk Co., Morrison, Ill.
Dean Milk Co., Pearl City, Ill.
United Milk Products, Argo, Ill.

5. Delete § 944.4 (c).

6. Delete § 944.7 and substitute therefor the following:

§ 944.7 *Determination of uniform prices to producers*—(a) *Net pool obligation of handlers*. Subject to the provisions of § 944.6, the net pool obligation of each handler for milk received from producers during each delivery period shall be a sum of money computed for such delivery period by the market administrator as follows: multiply the "net pooled milk" in each class, computed pursuant to § 944.3 by the class price computed to § 944.4 (a), add together the resulting amounts.

(b) *Computation of the uniform prices*. For each delivery period the market administrator shall compute the uniform prices per hundredweight of milk as follows:

(1) Combine into one total the net pool obligations of all handlers, computed pursuant to paragraph (a) of this section, who made the reports pursuant to § 944.5 (a) and who made the payments pursuant to § 944.8;

(2) Add an amount equal to not less than one-half the cash balance in the producer-settlement fund, exclusive of the amount retained in such fund pursuant to subparagraph (3) of this paragraph;

(3) For each of the delivery periods of April, May and June subtract an amount equal to 20 cents per hundredweight of

net pooled milk of all handlers whose reports are included in this computation;

(4) For each of the delivery periods of September, October and November, add one-third of the total amount subtracted pursuant to subparagraph (3) of this paragraph;

(5) Divide the resulting sum by the total quantity of net pooled milk or all handlers whose reports are included in this computation;

(6) Subtract not less than 4 cents nor more than 5 cents per hundredweight of milk for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments or delinquencies in payments by handlers. The result shall be known as the "uniform price" per hundredweight for milk of producers containing 3.5 percent butterfat.

(c) *Announcement of prices.* On or before the 19th day after the end of each delivery period the market administrator shall notify all handlers and make public announcement of the computations pursuant to paragraph (b) of this section of the uniform price per hundredweight of milk of the Class I, Class II, Class III and Class IV prices computed pursuant to § 944.4 and of the butterfat differential computed pursuant to § 944.8 (c)

7. Delete § 944.8 and substitute therefor the following:

§ 944.8 *Payment for milk*—(a) *Time and method of payment.* Each handler shall make payment subject to the butterfat differential set forth in paragraph (c) of this section for milk purchased or received from producers by such handler during each delivery period as follows:

(1) On or before the 15th day after the end of each delivery period each handler shall pay to each cooperative association which is also a handler, for milk purchased or received from it during the said period, an amount of money representing not less than the total value of such milk computed by multiplying the pounds of milk in each class by the applicable class price subject to the butterfat differential computed pursuant to paragraph (c) of this section.

(2) On or before the 18th day after the end of each delivery period each handler shall pay to each producer for milk purchased or received from him during such delivery period an amount of money representing not less than the total value of such milk at the uniform price per hundredweight subject to the butterfat differential set forth in paragraph (c) of this section.

(b) *Emergency milk.* If during any delivery period a handler notifies the market administrator that an emergency exists in that the supply of milk available to such handler from producers and handlers is not sufficient to fulfill the Class I and Class II milk requirements, including the Grade A requirements of such handler, the market administrator shall within 24 hours of such notice determine the existence of the emergency and if he finds that an emergency exists he shall authorize the handler to purchase milk from emergency sources other than producers or other handlers on

terms and conditions other than those provided in this section. Emergency milk shall be reported to the market administrator by the receiving handler separately from milk received from producers and handlers in accordance with § 944.5 (a) (2). Such milk shall be deducted from the class in which the milk was actually used. The person from whom the handler received such milk shall not be considered a "handler" with respect to milk disposed of in the marketing area under the circumstances described in this paragraph, and the persons who produced such milk shall not be considered "producers" within the meaning of this order.

(c) *Butterfat differential.* If, during the delivery period, any handler has received from any producer milk having an average butterfat content other than 3.5 percent, such handler, in making the payments prescribed in paragraph (a) (2) of this section, shall add for each one-tenth of 1 percent of average butterfat content in milk below 3.5 percent not more than:

(1) Three cents per hundredweight when the average price of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture (or such other Federal Agency as may hereafter be authorized to perform this price reporting function) for the delivery period during which such milk is received, is less than 30 cents;

(2) Four cents per hundredweight when such average price of 92-score butter is 30 cents or over but less than 35 cents; and

(3) Five cents per hundredweight when such average price of 92-score butter is 35 cents or over.

(d) *Producer-settlement fund.* The market administrator shall establish and maintain a "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to paragraphs (e) and (g) of this section and out of which he shall make all payments to handlers pursuant to paragraphs (f) and (g) of this section.

(e) *Payments to the producer-settlement fund.* On or before the 15th day after the end of each delivery period, each handler, including a cooperative association which is a handler, shall pay to the market administrator for payment to producers through the producer-settlement fund, the amount by which the net pool obligation of such handler, including the payments required to be made pursuant to § 944.6 is greater than the sum required to be paid producers by such handler pursuant to paragraph (a) (2) of this section.

(f) *Payments out of the producer-settlement fund.* (1) On or before the 15th day after the end of each delivery period, the market administrator shall pay to each handler for payment to producers the amount by which the sum reported to be paid producers by such handlers pursuant to paragraph (a) (2) of this section is greater than the net pool obligation of such handler, including the payments required to be made pursuant to § 944.6.

(2) If the balance in the "producer-settlement fund" is insufficient to make

all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler who, on the 15th day after the end of each delivery period, has not received the balance of such reduced payment from the market administrator, shall be deemed to be in violation of paragraph (a) (2) of this section if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

(g) *Adjustment of errors in payment.* Whenever verification by the market administrator of reports or payments of any handler discloses errors in payments to the producer-settlement fund made pursuant to paragraph (e) of this section, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to paragraph (f) of this section, the market administrator shall, within 5 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer discloses payment to such producer of an amount which is less than is required by this section, the handler shall make up such payment to the producer not later than the time of making payment to producers next following such disclosures.

8. Delete Section 944.9 from the order and renumber the subsequent sections accordingly.

Make such other changes as may be helpful or necessary to have the entire order conform with the amendments herewith proposed.

Proposed by the producers:

1. Delete all of § 944.1 except paragraph (c) thereof and substitute therefor the following:

§ 944.1 *Definitions.* (a) "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.)

(b) "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

(d) "Department of Agriculture" means the United States Department of Agriculture or such other Federal Agency authorized to perform the price reporting functions specified in § 944.5 and § 944.8.

(e) "Person" means any individual, partnership, corporation, association, or any other business unit.

(f) "Delivery period" means the calendar month or the total portion thereof during which this order is in effect.

(g) "Cooperative association" means any cooperative marketing association of producers which the Secretary deter-

mines after application by the association:

(1) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(2) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

(h) "Producer" means any person irrespective of whether such person is a handler who produces milk which is received at a plant from which milk is disposed of as Class I milk in the marketing area. This definition shall include any person who produces milk which a cooperative association causes to be diverted from a plant from which milk is disposed of as Class I milk in the marketing area to a plant from which no milk is disposed of as Class I milk in the marketing area.

(i) "Grade A producer" means a producer described in paragraph (h) of this section whose milk complies with the Grade A quality requirements of the milk ordinance of any of the municipalities in the marketing area or the Grade A milk and Grade A milk products law of the State of Illinois.

(j) "Handler" means any person who on his own behalf or on the behalf of others, purchases or receives milk from producers, associations of producers, or other handlers all or a portion of the milk disposed of as Class I milk in the marketing area. This definition shall include a cooperative association with respect to the milk of any producer which it causes to be delivered to a plant from which milk is disposed of as Class I milk in the marketing area, or which it causes to be diverted from a plant from which milk is disposed of as Class I milk in the marketing area to a plant from which no milk is disposed of as Class I milk.

(k) "Producer-handler" means any person who is both a producer and a handler and who receives no milk from other producers: *Provided*, That (1) the maintenance, care, and management of the dairy animals and other resources necessary to produce the milk is the personal enterprise and the personal risk of such person in his capacity as a producer, and (2) the processing, packaging, and distribution of milk is the personal enterprise of, and the risk of such person in his capacity as a handler.

(l) "Other source milk" means (1) all skim milk and butterfat except that in producer milk and in any non-fluid milk products received and disposed of in the same form, and (2) all skim milk or butterfat transferred by a producer-handler to a handler.

2. Delete § 944.2 and substitute therefor the following:

§ 944.2 *Market administrator*—(a) *Designation*. The agency for the administration hereof shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers*. The market administrator shall have the following powers with respect to this marketing agreement:

(1) To administer its terms and provisions;

(2) To receive, investigate, and report to the Secretary complaints of violations;

(3) To make rules and regulations to effectuate its terms and provisions; and

(4) To recommend amendments to the Secretary.

(c) *Duties*. The market administrator shall perform all duties necessary to administer the terms and provisions of this marketing agreement, including, but not limited to, the following:

(1) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary.

(2) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(3) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(4) Pay, out of the funds provided by § 944.9:

(i) The cost of his bond and of the bonds of his employees,

(ii) His own compensation, and

(iii) All other expenses, except those incurred under § 944.10, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(5) Keep such books and records as will clearly reflect the transactions provided for herein, and, upon request by the Secretary surrender the same to such person as the Secretary may designate;

(6) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 10 days after the day upon which he is required to perform such acts, has not made (i) reports pursuant to § 944.3 or (ii) payments pursuant to §§ 944.8, 944.9, 944.10 or 944.11,

(7) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(8) On or before the 10th day after the end of each delivery period report to each cooperative association which so requests the amount and class utilization of milk caused to be delivered by such association, either directly or from producers who have authorized such association to receive payments for them, to each handler to whom the cooperative sells milk. For the purpose of this report the milk caused to be so delivered by an association shall be prorated to each class in the proportion that the total receipts of milk received from producers by such handler were used in each class;

(9) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(10) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each delivery period;

(i) On or before the 5th day after the end of such delivery period, the minimum class prices and the butterfat differentials for each class pursuant to § 944.5, and

(ii) On or before the 10th day after the end of such delivery period, the uniform prices computed pursuant to § 944.7 and the butterfat differential computed pursuant to § 944.8.

(11) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

3. Delete § 944.3 and substitute therefor the following:

§ 944.3 *Reports, records, and facilities*—(a) *Delivery period reports of receipts and utilization*. On or before the 5th day after the end of each delivery period each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(1) The quantities of butterfat and quantities of skim milk contained in (or used in the production of) all receipts within such delivery period of (i) producer milk, (ii) Grade A producer milk, (iii) skim milk and butterfat in any form from any other handler, and (iv) other source milk; and the sources thereof;

(2) The product pounds of milk products received from any nonhandler and disposal of in the same form;

(3) The utilization of all receipts required to be reported under subparagraphs (1) and (2) of this paragraph; and

(4) Such other information with respect to all such receipts and utilization as the market administrator may prescribe.

(b) *Other reports*. (1) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(2) On or before the 20th day after the end of each delivery period each handler shall submit to the market administrator such handler's producer payroll for the preceding delivery period, which shall show (i) the total pounds of milk received from each producer and cooperative association and the total pounds of butterfat contained in such milk, (ii) the amount of payment to each producer and cooperative association, and (iii) the nature and amount of any deductions and charges involved in the payments referred to in subdivision (ii) of this subparagraph.

(c) *Records and facilities*. Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business, such accounts and records of

his operations and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to (1) the receipts and utilization, in whatever form, of all skim milk and butterfat received, including milk products received and disposed of in the same form; (2) the weights, samples, and tests for butterfat and for other content of all skim milk and butterfat handled; (3) payments to producers and cooperative associations; and (4) the pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and each milk product on hand at the beginning and at the end of each delivery period.

4. Delete § 944.4 and substitute therefor the following:

§ 944.4 *Classification*—(a) *Skim milk and butterfat to be classified.* All skim milk and butterfat in any form, received within the delivery period by a handler, in producer milk, in other source milk, and from another handler shall be classified by the market administrator pursuant to the following provisions of this section:

(b) *Classes of utilization.* Subject to the conditions set forth in paragraphs (d) and (e) of this section, the skim milk and butterfat described in paragraph (a) of this section shall be classified by the market administrator on the basis of the following classes:

(1) Class I milk shall be all skim milk and butterfat.

(i) Disposed of in fluid form as milk, skim milk, buttermilk, or flavored milk or flavored milk drink; and

(ii) Not specifically accounted for as any item included under subdivision (i) of this subparagraph as Class I milk, Class II milk, Class III milk, or Class IV milk.

(2) Class II milk shall be all skim milk and butterfat disposed of in fluid cream or as cream for consumption; as cream (including any cream products in fluid form containing 6 percent or more of butterfat) storage cream; and cottage cheese.

(3) Class III milk shall be all skim milk and butterfat used to produce evaporated milk, condensed milk, ice cream mix, unsalted butter, or any milk or cream products other than those specified in Class II milk or Class IV milk.

(4) Class IV milk shall be all skim milk and butterfat:

(i) Used to produce butter, casein, American type Cheddar Cheese; and

(ii) In actual plant shrinkage of producer milk computed pursuant to paragraph (c) of this section, but not in excess of 2 percent thereof; and

(iii) In actual shrinkage of other source milk computed pursuant to paragraph (c) of this section.

(c) *Shrinkage.* The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

(1) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(2) Prorate the total shrinkage, respectively, computed pursuant to sub-

paragraph (1) of this paragraph between producer milk and other source milk after deducting receipts from other handlers.

(d) *Responsibility of handlers and reclassification of milk.* (1) All skim milk and butterfat shall be Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(2) Any skim milk or butterfat (except that transferred to a producer-handler) in one class shall be reclassified if used or reused by such handler or by another handler in another class.

(e) *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or by diversion shall be classified:

(1) As Class I milk if transferred or diverted in the form of milk or skim milk and as Class II milk if so disposed of in the form of cream to another handler (except a producer-handler) unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 5th day after the end of the delivery period within which such transaction occurred: *Provided*, That skim milk or butterfat so assigned to a particular class shall be limited to the amount thereof remaining in such class in the plant of the transferee-handler after the subtraction of other source milk pursuant to paragraph (g) (1) (ii) of this section, and any excess of such skim milk or butterfat, respectively, shall be assigned in series beginning with the next lowest price available utilization;

(2) As Class I milk if transferred or diverted to a producer-handler in the form of milk or skim milk and as Class II milk if so disposed of in the form of cream.

(3) As Class I milk if transferred or diverted in the form of milk or skim milk, and as Class II milk if so disposed of in the form of cream to a non-handler's plant unless, (i) the handler claims another class on the basis of utilization mutually indicated in writing to the market administrator by both the buyer and seller on or before the 5th day after the end of the delivery period within which such transfer occurred, (ii) the buyer maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the purpose of verification; (iii) such buyer's plant had actually used not less than an equivalent amount of skim milk and butterfat in the use indicated in such statement: *Provided*, That if upon inspection of his records such buyer's plant had not actually used an equivalent amount of skim milk and butterfat in such indicated utilization, the remaining pounds shall be classified on the basis of the next highest-priced available utilization in accordance with the classes set forth in paragraph (b) of this section.

(4) Skim milk or butterfat caused to be delivered from a producer to any other handler by a cooperative association which is a handler shall be ratably apportioned among the receiving handler's total Class I milk, Class II milk, Class III milk, and Class IV milk.

(f) *Computation of skim milk and butterfat in each class.* For each delivery period, the market administrator shall correct for mathematical and for other obvious errors the delivery period report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk, Class III milk, and Class IV milk for such handler.

(g) *Allocation of skim milk and butterfat classified.* (1) Allocate the skim milk to producers as follows:

(i) Subtract allowable plant shrinkage of skim milk pursuant to paragraph (c) (2) of this section from the total pounds of skim milk in Class IV milk.

(ii) Subtract from the remaining pounds of skim milk in each class in series beginning with the lowest priced available use the pounds of skim milk on other source milk.

(iii) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers and assigned pursuant to paragraph (e) of this section.

(iv) Add to the remaining pounds of skim milk in Class IV milk the pounds subtracted pursuant to subdivision (i) of this subparagraph; or if the remaining pounds of skim milk in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with the lowest priced available use.

(v) Subtract from the remaining pounds of skim milk in each class in series beginning with the highest priced available utilization the pounds of skim milk in Grade A producer milk.

(2) Allocate the butterfat to Grade A producer milk and to other producer milk according to the method prescribed in subparagraph (1) of this paragraph for skim milk.

(3) Determine the weighted average butterfat test of Grade A producer milk and other producer milk in Class I milk, Class II milk, Class III milk, and Class IV milk as computed pursuant to subparagraphs (1) and (2) of this paragraph.

5. Delete § 944.5 and substitute therefor the following:

§ 944.5 *Minimum prices*—(a) *Class I milk prices.* Subject to the provisions of paragraphs (e) and (f) of this section, the minimum prices per hundredweight on a 3.5 percent butterfat content basis to be paid by each handler at his plant for Grade A producer milk and other producer milk received and classified as Class I milk shall be the price for Class III milk plus the following premiums for the delivery period indicated:

Delivery period	Grade A	Other
January, February, March.....	\$1.10	\$0.65
April, May, June.....	.90	.45
July through December.....	1.35	.90

(b) *Class II milk prices.* The minimum prices per hundredweight on a 3.5 percent butterfat content basis to be paid by each handler at his plant for Grade A producer milk and other producer milk received and classified as Class

If milk shall be the price for Class III milk plus the following premiums for the delivery period indicated:

Delivery period	Grade A	Other
January, February, March	\$0.95	\$0.50
April, May, June	.75	.50
July through December	1.20	.75

(c) *Class III milk prices.* The minimum price per hundredweight on a 3.5 percent butterfat content basis to be paid by each handler at his plant for Grade A producer milk and other producer milk received and classified as Class III milk shall be the higher of the following (computed to the nearest tenth of a cent):

(1) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat basis received from farmers during the delivery period to the following plants for which prices have been reported to the market administrator or the Department of Agriculture:

Present Operator and Location

Amboy Milk Products Co., Amboy, Ill.
Borden Co., Dixon, Ill.
Borden Co., Sterling, Ill.
Carnation Co., Oregon, Ill.
Carnation Co., Morrison, Ill.
Dean Milk Co., Pearl City, Ill.
Dean Milk Co., Pecatonica, Ill.
Pet Milk Co., Shullsburg, Wis.
United Milk Products Co., Argo, Ill.

(2) The price per hundredweight computed as follows:

(i) Multiply by six the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the delivery period;

(ii) Add an amount equal to 2.4 times the average weekly prevailing price per pound of "Twins" during the delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided*, That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price per pound of "Cheddars" shall be used; and

(iii) Divide by seven, add 30 percent thereof, and then multiply by 3.5.

(d) *Class IV milk prices.* The minimum price per hundredweight on a 3.5 percent butterfat content basis to be paid by each handler at his plant for Grade A producer milk and other producer milk received and classified as Class IV milk shall be the result of the following computation by the market administrator: multiply by 3.5 the average price per pound of 92-score butter at wholesale price in the Chicago market as reported by the Department of Agriculture during the delivery period in which such milk was received, add 20 percent thereof and add any plus amount resulting from the following calculations; subtract 14 cents from the average price per pound of casein and multiply such amount by 2.3. The price per pound of casein to be used shall be the average of calculated prices for unground casein f. o. b. manufacturing plants in Wisconsin as published by the Department of Agriculture during the delivery period in which such milk was received, including in such average

the quotations for any part of the previous delivery period which were not published and available for the price determination of such casein for the preceding delivery period.

(e) *Butterfat differentials to handlers.* If for any handler, the weighted average butterfat test of his classified Grade A producer milk or other producer milk is more or less than 3.5 percent there shall be added to or subtracted from, as the case may be, the price for such class, for each one-tenth of one percent, a butterfat differential (computed to the nearest tenth of a cent) calculated by the market administrator for such class as follows:

(1) *Class I milk.* Multiply by 1.40 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the delivery period and divide the result by 10.

(2) *Class II milk.* Multiply by 1.35 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the delivery period and divide the result by 10.

(3) *Class III milk.* Multiply by 1.20 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the delivery period and divide the result by 10.

(4) *Class IV milk.* Multiply by 1.20 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the delivery period and divide the result by 10.

(f) *Emergency price provisions.* Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy or other similar payment being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any subsidy or other similar payment: *Provided further* That, if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

6. Delete § 944.6 and substitute therefor the following:

§ 944.6. *Application of provisions—*
(a) *Producers-handlers.*

Sections 944.4, 944.5, 944.7, 944.8, 944.9, and 944.10 shall not apply to a producer-handler.

(b) *Exempt milk.* Skim milk or butterfat received by a handler, the han-

dling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing agreement or order issued pursuant to the act for any milk marketing area, shall not be subject to the pricing and payment provisions hereof as follows:

(c) *Handlers subject to other Federal orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk and Class II milk in another marketing area regulated by another milk marketing order issued pursuant to the act, the provision of this order shall not apply except as follows:

(1) The handler shall, with respect to his total receipts and utilization of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator in accordance with provisions of § 944.3 (c).

(2) If the price which such handler is required to pay, under the other Federal order to which he is subject for skim milk and butterfat which would be classified as Class I milk and Class II milk under this order, is less than the price provided pursuant to § 944.5 (a) (b) and (e) of this order such handler shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all skim milk and butterfat disposed of as Class I milk or Class II milk within this marketing area) an amount equal to the difference between the value of such milk as computed pursuant to § 944.5 (a), (b) and (e) of this order and its value as determined pursuant to the other order to which he is subject.

7. Delete § 944.7 and substitute therefor the following:

§ 944.7. *Determination of uniform prices—*(a) *Computation of value of Grade A producer milk and other producer milk.* The value of Grade A producer milk and other producer milk received during each delivery period by each handler shall be sums of money computed separately by the market administrator by multiplying the pounds of milk in each class for the delivery period, by the applicable class prices, and adding together the resulting amounts: *Provided*, That if a handler, after subtracting other source milk and receipts from other handlers, has disposed of skim milk or butterfat in excess of the skim milk or butterfat which, on the basis of his report for the delivery period pursuant to § 944.3 (a) has been credited to producers as having been received from them, there shall be added an amount computed by multiplying the pounds in each class as subtracted pursuant to § 944.4 (g) (1) (v) and (2) by the applicable class prices (such amounts should be prorated between Grade A producer milk and other producer milk in such handler's plants).

(b) *Computation of uniform price.* For each delivery period the market administrator shall compute the "uniform price" for Grade A milk and for other producer milk separately per hundred-

weight for milk of 3.5 percent butterfat, as follows:

(1) Combine into separate totals for Grade A producer milk and other producer milk the values computed pursuant to paragraph (a) of this section for all handlers who made reports pursuant to § 944.3 except those in default of payments in § 944.8 (d) for the preceding delivery period;

(2) Add amounts representing the cash balances on hand in the producer-settlement funds less the total amount of contingent obligations to handlers pursuant to § 944.8 (e)

(3) Subtract, if the weighted average butterfat test of Grade A producer milk or other producer milk represented by the values included under subparagraph (1) of this paragraph is greater than 3.5 percent or add if such butterfat test is less than 3.5 percent an amount computed by multiplying the amount by which its weighted average butterfat test varies from 3.5 percent by the butterfat differential computed pursuant to § 944.8 (b) and multiply the resulting figure by the total hundredweight of such milk;

(4) Divide the resulting amount by the total hundredweight of Grade A producer milk and other producer milk, respectively, represented by the values included in subparagraph (1) of this paragraph;

(5) Subtract not less than 4 cents nor more than 5 cents (adjusting to the nearest one-tenth cent) from the amount per hundredweight computed pursuant to subparagraph (4) of this paragraph. The resulting figures shall be the uniform prices to Grade A producers and to other producers respectively.

8. Delete § 944.8 and substitute therefor the following:

§ 944.8 *Payment for milk*—(a) *Time and method of payment.* Each handler shall make payments as follows:

(1) On or before the 15th day after the end of each delivery period, to each producer, except producers for whom payment is received from the handler by a cooperative association pursuant to subparagraph (2) of this paragraph, at not less than the uniform price for such delivery period pursuant to § 944.7 (b) adjusted by the producer butterfat differential pursuant to paragraph (b) of this section, for all milk received from such producer during such delivery period: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to paragraph (c) of this section, he may reduce such payments uniformly per hundredweight for all producers by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(2) On or before the 12th day after the end of each delivery period, to a cooperative association with respect to milk caused to be delivered from producers' farms to such handler by such asso-

ciation during such delivery period not less than the value of such milk computed at the minimum class price provided by § 944.5.

(b) *Producer butterfat differential.* In making payments pursuant to paragraph (a) (1) of this section there shall be added to, or subtracted from, the uniform price for milk of 3.5 percent butterfat content, for each one-tenth of one percent of butterfat content in such producer milk above or below 3.5 percent, as the case may be, an amount computed by dividing by 10 the average daily wholesale price per pound of 92-score butter at Chicago, as reported by the Department of Agriculture for the delivery period, and rounding to the nearest tenth of a cent.

(c) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to paragraph (d) of this section and § 944.6 (c) and out of which he shall make all payments to handlers pursuant to paragraph (e) of this section.

(d) *Payments to the producer-settlement fund.* On or before the 13th day after the end of each delivery period, each handler shall pay to the market administrator the amount by which the utilization value of producer milk received by such handler during such delivery period is greater than the value of such milk computed at the uniform price pursuant to § 944.7 (b) adjusted by the butterfat differential provided by paragraph (b) of this section; *Provided*, That with respect to milk for which payment is made by a handler to a cooperative association pursuant to paragraph (a) (2) of this section, the association, in turn, shall pay to the market administrator, on or before the 14th day after the end of each delivery period, the amount by which the utilization value of such milk is greater than its value computed at the uniform price pursuant to § 944.7 (b) adjusted by the butterfat differential provided by paragraph (b) of this section.

(e) *Payments out of the producer-settlement fund.* On or before the 15th day after the end of each delivery period, the market administrator shall pay to each handler the amount by which the utilization value of producer milk received by such handler during such delivery period is less than the value of such milk computed at the uniform price pursuant to § 944.7 (b) adjusted by the butterfat differential provided by paragraph (b) of this section, less any unpaid obligations of such handler to the market administrator pursuant to paragraph (d) of this section, §§ 944.9, 944.10, and 944.11. *Provided*, That with respect to milk for which payment is made by a handler to a cooperative association pursuant to paragraph (a) (2) of this section, the market administrator shall pay, on or before the 15th day after the end of each delivery period, to such association the amount by which the utilization value of such milk is less than its value computed at the uniform price pursuant to § 944.7 (b) adjusted by the butterfat

differential provided by paragraph (b) of this section: *And provided further*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

9. Delete § 944.9 in its entirety.

10. Delete § 944.10 and substitute therefor the following:

§ 944.10 *Marketing services*—(a) *Marketing service deductions.* Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 944.8 (a) (1), shall make a deduction of 8 cents per hundredweight of milk or such lesser deduction as the Secretary from time to time may prescribe, with respect to the following:

(1) All milk received from producers at a plant not operated by a cooperative association; and

(2) All milk received at a plant operated by a cooperative association from producers who are not members of such association.

Such deductions shall be paid by the handler to the market administrator on or before the 15th day after the end of each delivery period. Such moneys shall be expended by the market administrator for verification of weights, samples, and tests of milk received from such producers and in providing for market information to such producers; such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Marketing service deduction with respect to members of, or producers marketing through, a cooperative association.* In the case of each producer (1) who is a member of, or who has given written authorization for the rendering of marketing services and the taking of deduction therefor to a cooperative association, (2) whose milk is received at a plant not operated by such association, and (3) for whom the Secretary determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct, in lieu of the deduction specified under paragraph (a) of this section, from the payments made pursuant to § 944.8 (a) (1) the amount per hundredweight on milk authorized by such producer and shall pay over, on or before the 15th day after the end of such delivery period, such deduction to the association entitled to receive it under this paragraph.

11. Delete § 944.11 and substitute therefor the following:

§ 944.11 *Expense of administration.* As his prorata share of the expense incurred pursuant to § 944.2 (c) (4) each handler shall pay the market administrator, on or before the 15th day after the end of each delivery period, 3 cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe, with respect to all receipts within the delivery period of producer milk (including such handler's own production)

12. Delete § 944.12 and substitute therefor the following:

§ 944.12 *Effective time, suspension or termination, continuing obligations, liquidation*—(a) *Effective time.* The provisions hereof, or of any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

(b) *Suspension or termination.* The Secretary shall, whenever he finds that this marketing agreement, or any provision thereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this marketing agreement or any such provision thereof.

(c) *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this marketing agreement, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

(d) *Liquidation.* Upon the suspension or termination of the provisions hereof, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses to liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

13. Delete § 944.13 and substitute therefor the following:

§ 944.13 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

Additional sections:

1. Add as § 944.9 the following:

§ 944.9 *Adjustments of accounts*—(a) *Errors in payments.* Whenever audit by market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (1) the market administrator from such handler, (2) such handler from the market administrator, or (3) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provisions under which such error occurred following the 5th day after such notice.

2. Add as § 944.14 the following:

§ 944.14 *Separability of provisions.* If any provision hereof, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions hereof, to other persons or circumstances shall not be affected thereby.

Copies of this notice of hearing may be procured from Mr. E. H. McGulre, Market Administrator, 335 Federal Building, 16th Street and Second Avenue, Rock Island, Illinois, or from the Hearing Clerk, United States Department of Agriculture, Room 1846, South Building, Washington 25, D. C., or may be there inspected.

Dated: November 12, 1947.

[SEAL] F. R. BURKE,
Acting Assistant Administrator.

[F. R. Doc. 47-10139; Filed, Nov. 14, 1947;
8:50 a. m.]

[7 CFR, Part 965]

[Docket No. AO-160-A-8]

HANDLING OF MILK IN CINCINNATI, OHIO MARKETING AREA

PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Supps. 900.1 et seq., 11 F. R. 7737, 12 F. R. 1159, 4904) notice is hereby given of a public hearing to be held at Hotel Sinton, Crystal Room, 4th and Vine Streets, Cincinnati, Ohio, beginning at 2:00 p. m., e. s. t., November 24, 1947, for the purpose of receiving evidence with respect to proposed amendments to the tentative marketing agreement as heretofore approved (12 F. R. 4517) by the Secretary of Agriculture, and to the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area (7 CFR, Supps. 965.0 et seq., 12 F. R. 4931). These proposed amendments have not received the approval of the Secretary of Agriculture.

This public hearing is for the purpose of receiving evidence with respect to economic and emergency conditions which relate to the proposed amendments hereinafter set forth.

The following amendments have been proposed:

By The Cooperative Pure Milk Association; The K. I. O. Milk Producers' Association; and The Milk Producers' Union, Inc..

Amend the provisions of § 965.6 so as to provide Class I and Class II "floor" prices, respectively, for a limited period in 1948 at the December 1947 Class I and Class II "floor" price levels, respectively.

By the Dairy Branch, Production and Marketing Administration:

Make such other changes as may be required to make the entire marketing agreement and the order, as amended,

conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing and of the tentative marketing agreement, and the order, as amended, now in effect, may be procured from the market administrator, 152 East 4th Street, Cincinnati, Ohio, or from the Hearing Clerk, United States Department of Agriculture, in Room 1844, South Building, Washington 25, D. C., or may be there inspected.

Dated: November 12, 1947.

[SEAL] F. R. BURKE,
Acting Assistant Administrator.

[F. R. Doc. 47-10143; Filed, Nov. 14, 1947;
8:50 a. m.]

[7 CFR, Part 971]

[Docket No. AO-175-A-4]

HANDLING OF MILK IN DAYTON-SPRINGFIELD, OHIO, MARKETING AREA

PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Supps. 900.1 et seq., 11 F. R. 7737, 12 F. R. 1159, 4904) notice is hereby given of a public hearing to be held at the Biltmore Hotel, Biltmore Room, Dayton, Ohio, beginning at 10:00 a. m., e. s. t., November 21, 1947, for the purpose of receiving evidence with respect to proposed amendments to the tentative marketing agreement as heretofore approved (12 F. R. 5893) by the Secretary of Agriculture, and to the order, as amended, regulating the handling of milk in the Dayton-Springfield, Ohio, marketing area (10 F. R. 6167; 11 F. R. 6901, 9423; 12 F. R. 5995). These proposed amendments have not received the approval of the Secretary of Agriculture.

This public hearing is for the purpose of receiving evidence with respect to economic and emergency conditions which relate to the proposed amendments hereinafter set forth.

The following amendments have been proposed:

By the Miami Valley Cooperative Milk Producers Association:

Amend the provisions of § 971.5 so as to provide Class I and Class II "floor" prices, respectively, for a limited period in 1948 at the December 1947 Class I and Class II "floor" price levels, respectively.

By the Dairy Branch, Production and Marketing Administration:

Delete § 971.5 (a) (3) and substitute therefor the following:

(3) Multiply by 0.035 the price per hundredweight of butterfat made into butter as computed pursuant to paragraph (d) (2) of this section, and add thereto the price per hundredweight of skim milk computed pursuant to paragraph (d) (1) of this section, less 20 cents for the months of January, February, March, August, September, October, November and December, multiplied by 0.965.

Copies of this notice of hearing and of the tentative marketing agreement,

and the order, as amended, now in effect, may be procured from the market administrator, 434 3d National Bank Building, Dayton, Ohio, or from the Hearing Clerk, United States Department of Agriculture, in Room 1844, South Building, Washington 25, D. C., or may be there inspected.

Dated: November 12, 1947.

[SEAL] F. R. BURKE,
Acting Assistant Administrator

[F. R. Doc. 47-10146; Filed, Nov. 14, 1947;
8:49 a. m.]

17 CFR, Part 9721

[Docket No. AO-177-A-4]

HANDLING OF MILK IN TRI-STATE MARKETING AREA

PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Supps. 900.1 et seq., 11 F. R. 7737, 12 F. R. 1159, 4904) notice is hereby given of a public hearing to be held at the Hotel Lafayette, Gallipolis, Ohio, beginning at 10:00 a. m., e. s. t., November 25, 1947, for the purpose of receiving evidence with respect to proposed amendments to the tentative marketing agreement as heretofore approved (12 F. R. 4144) by the Secretary of Agriculture, and to the order, as amended, regulating the handling of milk in the Tri-State marketing area (11 F. R. 12926, 12 F. R. 4243). These proposed amendments have not received the approval of the Secretary of Agriculture.

This public hearing is for the purpose of receiving evidence with respect to economic and emergency conditions which relate to the proposed amendments hereinafter set forth.

The following amendments have been proposed:

By The Scioto County Co-operative Milk Producers Association; The Athens Milk Sales, Inc., The Marietta Co-operative Milk Producers Association; and Huntington Inter-State Milk Producers Association:

Amend the provisions of § 972.5 so as to provide Class I and Class II "floor" prices, respectively, for a limited period in 1948 at the December 1947 Class I and Class II "floor" price levels, respectively.

By the Dairy Branch, Production and Marketing Administration:

Make such other changes as may be required to make the entire marketing agreement and the order, as amended, conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing and of the tentative marketing agreement, and the order, as amended, now in effect, may be procured from the market administrator, 527 First Huntington National Bank Building, Huntington, West Virginia, or from the Hearing Clerk, United States

Department of Agriculture, in Room 1844, South Building, Washington 25, D. C., or may be there inspected.

Dated: November 12, 1947.

[SEAL] F. R. BURKE,
Acting Assistant Administrator

[F. R. Doc. 47-10147; Filed, Nov. 14, 1947;
8:50 a. m.]

17 CFR, Part 9741

[Docket No. AO-176-A3]

HANDLING OF MILK IN COLUMBUS, OHIO, MARKETING AREA

PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Supps. 900.1 et seq., 11 F. R. 7737, 12 F. R. 1159, 4904) notice is hereby given of a public hearing to be held at the Virginia Hotel, North 3d and Gay Streets, Columbus, Ohio, beginning at 10:00 a. m., e. s. t., November 20, 1947, for the purpose of receiving evidence with respect to proposed amendments to the tentative marketing agreement as heretofore approved (12 F. R. 4147) by the Secretary of Agriculture, and to the order, as amended, regulating the handling of milk in the Columbus, Ohio, marketing area (11 F. R. 1081, 9424; 12 F. R. 4245). These proposed amendments have not received the approval of the Secretary of Agriculture.

This public hearing is for the purpose of receiving evidence with respect to economic and emergency conditions which relate to the proposed amendments hereinafter set forth.

The following amendments have been proposed:

By the Central Ohio Cooperative Milk Producers, Inc.:

Amend the provisions of § 974.5 so as to provide Class I and Class II "floor" prices, respectively, for a limited period in 1948 at the December 1947 Class I and Class II "floor" price levels, respectively.

By the Dairy Branch, Production and Marketing Administration:

Make such other changes as may be required to make the entire marketing agreement and the order, as amended, conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing and of the tentative marketing agreement, and the order, as amended, now in effect, may be procured from the market administrator, Room 41, Old Federal Building, Columbus, Ohio, or from the Hearing Clerk, United States Department of Agriculture, in Room 1844, South Building, Washington 25, D. C., or may be there inspected.

Dated: November 12, 1947.

[SEAL] F. R. BURKE,
Acting Assistant Administrator

[F. R. Doc. 47-10145; Filed, Nov. 14, 1947;
8:49 a. m.]

17 CFR, Part 9751

[Docket No. AO-179-A2]

HANDLING OF MILK IN CLEVELAND, OHIO, MARKETING AREA

PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Supps. 900.1 et seq., 11 F. R. 7737, 12 F. R. 1159, 4904) notice is hereby given of a public hearing to be held at the Hollenden Hotel, 6th and Superior Street, Cleveland, Ohio, beginning at 10:00 a. m., e. s. t., November 28, 1947, for the purpose of receiving evidence with respect to proposed amendments to the tentative marketing agreement as heretofore approved (12 F. R. 5627) by the Secretary of Agriculture, and to the order, as amended, regulating the handling of milk in the Cleveland, Ohio, marketing area (12 F. R. 5840). These proposed amendments have not received the approval of the Secretary of Agriculture.

This public hearing is for the purpose of receiving evidence with respect to economic and emergency conditions which relate to the proposed amendments hereinafter set forth.

The following amendments have been proposed:

By The Milk Producers Federation of Cleveland:

Amend the provisions of § 975.5 so as to provide Class I "floor" prices for a limited period in 1948 at the December 1947 "floor" price level.

Amend § 975.6 (d) (3) to revise the method of computing the price per hundredweight of skim milk used to produce products designated in this subparagraph so as to reflect a price in line with its competitive value in such uses.

By the Dairy Branch, Production and Marketing Administration:

Make such other changes as may be required to make the entire marketing agreement and the order, as amended, conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing and of the tentative marketing agreement, and the order, as amended, now in effect, may be procured from the market administrator, 2163 East Second Street, Cleveland 15, Ohio, or from the Hearing Clerk, United States Department of Agriculture, in Room 1844, South Building, Washington 25, D. C., or may be there inspected.

Dated: November 12, 1947.

[SEAL] F. R. BURKE,
Acting Assistant Administrator

[F. R. Doc. 47-10148; Filed, Nov. 14, 1947;
8:50 a. m.]

NOTICES

TREASURY DEPARTMENT

Office of the Secretary

TWO PERCENT TREASURY BONDS OF 1948-50

NOTICE OF CALL FOR REDEMPTION

1. Public notice is hereby given that all outstanding 2 percent Treasury Bonds of 1948-50, dated March 15, 1941, are hereby called for redemption on March 15, 1948, on which date interest on such bonds will cease.

2. Holders of these bonds may, in advance of the redemption date, be offered the privilege of exchanging all or any part of their called bonds for other interest-bearing obligations of the United States, in which event public notice will hereafter be given and an official circular governing the exchange offering will be issued.

3. Full information regarding the presentation and surrender of the bonds for cash redemption under this call will be found in Department Circular No. 666, dated July 21, 1941.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

NOVEMBER 14, 1947.

[F. R. Doc. 47-10089; Filed, Nov. 14, 1947;
10:34 a. m.]

TWO AND THREE-QUARTERS PERCENT TREASURY BONDS OF 1948-51

NOTICE OF CALL FOR REDEMPTION

1. Public notice is hereby given that all outstanding 2½ percent Treasury Bonds of 1948-51, dated March 16, 1936, are hereby called for redemption on March 15, 1948, on which date interest on such bonds will cease.

2. Holders of these bonds may, in advance of the redemption date, be offered the privilege of exchanging all or any part of their called bonds for other interest-bearing obligations of the United States, in which event public notice will hereafter be given and an official circular governing the exchange offering will be issued.

3. Full information regarding the presentation and surrender of the bonds for cash redemption under this call will be found in Department Circular No. 666, dated July 21, 1941.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

NOVEMBER 14, 1947.

[F. R. Doc. 47-10088; Filed, Nov. 14, 1947;
10:34 a. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order 2373]

NATIVE RESERVATION, SHUNGNAK, ALASKA

EXTENSION OF TIME FOR FILING STATEMENTS WITH RESPECT TO PROPOSED DESIGNATION

NOVEMBER 7, 1947.

Notice is hereby given that the time within which interested persons may file

with the Department of the Interior, Washington, D. C. any documents or written statements of their views concerning the proposed designation of native reservation at Shungnak, Alaska, as provided in Order No. 2350 of August 1, 1947 (12 F. R. 5312) is hereby further extended to and including December 1, 1947.

MARTIN G. WHITE,
Acting Assistant
Secretary of the Interior.

[F. R. Doc. 47-10103; Filed, Nov. 14, 1947;
8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 7627, 7939, 8156, 8589]

RADIO PHOENIX, INC., ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Radio Phoenix, Inc., Phoenix, Arizona, Docket No. 7627, File No. BP-4860; John C. Mullens, Phoenix, Arizona, Docket No. 8156, File No. BP-5449; Gene Burke Brophy, Nogales, Arizona, Docket No. 7939, File No. BP-5149; Phoenix Broadcasting, Inc. (KPHO) Phoenix, Arizona, Docket No. 8589, File No. BP-5056; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of October 1947;

The Commission having under consideration a petition filed by Phoenix Broadcasting, Inc., requesting that the Commission grant leave to amend, remove from the pending file and designate for hearing in a consolidated proceeding with the other above-entitled applications, its application for a construction permit to change frequency of Station KPHO, Phoenix, Arizona, from 1030 kc to 910 kc and to operate with 5 kw power unlimited time;

It appearing, that Phoenix Broadcasting, Inc. filed an application requesting a construction permit to change frequency at its licensed station KPHO from 1230 kc to 1030 kc and to increase power from 250 w to 10 kw, unlimited time, and that said application was placed in the Commission's pending file awaiting the decision in the clear channel hearing (Docket No. 6741)

It further appearing, that the Commission on March 20, 1947, designated for hearing in a consolidated proceeding the above-entitled applications of Radio Phoenix, Inc. requesting a construction permit for a new standard broadcast station to operate on 910 kc, 5 kw power, unlimited time, at Phoenix, Arizona, and John C. Mullens requesting a construction permit for a new standard broadcast station to operate on 920 kc, with 1 kw power, daytime only, at Phoenix, Arizona, and Gene Burke Brophy requesting a construction permit for a new standard broadcast station to operate on 910 kc, with 100 w, 250 w local sunset power, unlimited time, at Nogales, Arizona, said hearing having been scheduled to com-

mence on December 15, 1947, at Washington, D. C.,

It is ordered, That said petition of Phoenix Broadcasting, Inc., be, and it is hereby, granted; and

It is further ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Phoenix Broadcasting, Inc. be, and it is hereby, designated for hearing in the above consolidated proceeding to commence on December 15, 1947, in Washington, D. C., upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station KPHO as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station KPHO as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of station KPHO as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of station KPHO as proposed would involve objectionable interference with the services proposed in the other pending applications in this proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of station KPHO as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the order of the Commission dated March 20, 1947, designating the above-entitled applications of Radio Phoenix, Inc., John C. Mullens and Gene Burke Brophy for hearing in a consolidated proceeding, be, and it is hereby, amended to include said application of Phoenix Broadcasting, Inc.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-10122; Filed, Nov. 14, 1947;
8:47 a. m.]

[Docket No. 7974]

RADIOTELEGRAPH SERVICE BETWEEN UNITED STATES AND FOREIGN AND OVERSEAS POINTS; ASSIGNMENT OF FREQUENCIES FOR SUCH SERVICE

ORDER POSTPONING HEARING

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 3d day of November 1947;

The Commission, having under consideration its orders of November 27, 1946 and March 6, 1947 herein, designating the above-entitled matter for hearing, and specifying various issues;

It appearing, that, upon further consideration of the issues involved herein, questions are presented regarding the type and extent of the presentations which should be made herein, and that further time is required by the Commission for consideration and determination of such questions;

It is ordered, That the hearing presently scheduled herein to begin November 17, 1947, is postponed until May 3, 1948, at the same time and place as heretofore designated.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-10115; Filed, Nov. 14, 1947;
8:46 a. m.]

[Docket Nos. 8043, 8064, 8065, 8182, 8183, 8270,
8546]

MID-STATE BROADCASTING CO. (WMMJ)
ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Mid-State Broadcasting Company (WMMJ) Peoria, Illinois, Docket No. 8043; File No. BP-5551, Grain Country Broadcasting Co., Inc., Peru, Illinois, Docket No. 8064, File No. BP-5567; Fred Jones & Mary Eddy Jones, a partnership d/b as Fred Jones Broadcasting Company (KFJM) Tulsa, Oklahoma, Docket No. 8065, File No. BP-5585; Public Radio Corporation (KAKC), Tulsa, Oklahoma, Docket No. 8270, File No. BP-5985; Public Broadcasting Service, Inc., Enid, Oklahoma, Docket No. 8182, File No. BP-5821, The Ponca City Publishing Company, Ponca City, Oklahoma, Docket No. 8183, File No. BP-5848; Adelaide Lillian Carrell (WBBZ) Ponca City, Oklahoma, Docket No. 8546, File No. BP-6319; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of October 1947;

The Commission having under consideration the above-entitled application of Adelaide Lillian Carrell, requesting a construction permit to change frequency from 1230 kc to 960 kc, to increase power from 250 w to 1 kw, to install a directional antenna and new transmitter and to change transmitter location at Station WBBZ, Ponca City, Oklahoma;

It appearing, that, the Commission on March 27, 1947, designated for hearing in a consolidated proceeding the above-en-

titled applications: Mid-State Broadcasting Company requesting a construction permit to change the facilities of Station WMMJ, Peoria, Illinois from 1020 kc, with 1 kw power, daytime only, to 970 kc, with 1 kw power, unlimited time, employing a directional antenna; Grain Country Broadcasting Co., Inc., requesting a construction permit for a new standard broadcast station to operate on 980 kc, with 500 w, 1 kw local sunset power, unlimited time, employing a directional antenna, at Peru, Illinois; Fred Jones and Mary Eddy Jones, d/b as Fred Jones Broadcasting Company, requesting a construction permit to change the facilities of Station KFJM, Tulsa, Oklahoma from 1050 kc, with 1 kw power, daytime only, to 970 kc, with 500 w, 1 kw local sunset power, unlimited time, employing a directional antenna; and Public Radio Corporation, requesting a construction permit to change the facilities of Station KAKC, Tulsa, Oklahoma from 1570 kc, with 1 kw power, daytime only, to 970 kc, with 1 kw power, unlimited time, employing a directional antenna; and the Commission on July 25, 1947, having enlarged the issues in said proceeding; and the licensees of Stations WHA, Madison, Wisconsin and KOIN, Portland, Oregon having been made parties intervenor; and

It further appearing, that, the Commission on March 6, 1947, designated for hearing in a consolidated proceeding the applications of Public Broadcasting Service, Inc. (File No. BP-5821, Docket No. 8182) requesting a construction permit for a new standard broadcast station to operate on 960 kc, with 1 kw power, unlimited time, employing a directional antenna, at Enid, Oklahoma, and The Ponca City Publishing Company (File No. BP-5848; Docket No. 8183) requesting a construction permit for a new standard broadcast station to operate on 960 kc, with 500 w power, unlimited time, employing a directional antenna, at Ponca City, Oklahoma; and

It further appearing, that, the operation proposed in said application of Adelaide Lillian Carrell may involve serious interference with the operations proposed in one or more of the other above-entitled applications;

It is ordered, That, the aforementioned consolidated proceedings be, and they are hereby, combined into one consolidated proceeding to be held at Washington, D. C., and commencing on March 8, 1948.

It is further ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Adelaide Lillian Carrell be, and it is hereby, designated for hearing in the above-consolidated proceeding upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant to construct and operate station WBBZ as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station WBBZ as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the

requirements of the populations and areas proposed to be served.

4. To determine whether the operation of station WBBZ as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of station WBBZ as proposed would involve objectionable interference with the services proposed in any of the other pending applications in this proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of station WBBZ as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is ordered, That, the Commission's order dated March 27, 1947, as amended, designating for hearing the above-entitled applications of Mid-State Broadcasting Company (File No. BP-5551, Docket No. 8043) Grain Country Broadcasting Co., Inc. (File No. BP-5567; Docket No. 8064), Fred Jones Broadcasting Company (File No. BP-5585; Docket No. 8065) and Public Radio Corporation (File No. BP-5985; Docket No. 8270) be, and it is hereby, amended to include the above-entitled applications of Public Broadcasting Service, Inc., The Ponca City Publishing Company, and Adelaide Lillian Carrell; and

It is further ordered, That, the Commission's order, dated March 6, 1947, designating for hearing the above-entitled applications of Public Broadcasting Service, Inc. (File No. BP-5821; Docket No. 8182) and The Ponca City Publishing Company (File No. BP-5848; Docket No. 8183) be, and it is hereby, amended to include the above-entitled applications of Mid-State Broadcasting Company, Grain Country Broadcasting Co., Inc., Fred Jones Broadcasting Company, Public Radio Corporation, and Adelaide Lillian Carrell and to include among the issues for hearing, Issue No. 7, stated above.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-10118; Filed, Nov. 14, 1947;
8:47 a. m.]

[Docket Nos. 8145, 8146, 8585]

SAN JOAQUIN BROADCASTERS ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of R. K. Wittenberg and R. L. Stoddard, d/b as San Joaquin Broadcasters, Fresno, California, Docket No. 8145, File No. BP-5743; Edward W.

McCleery and Frank C. McIntyre, d/b as Public Interest Broadcasters, Madera, California, Docket No. 8146, File No. BP-5785; Egon A. Hofer, David L. Hofer and John M. Banks, a partnership d/b as Radio Dinuba Company (KRDU) Dinuba, California, Docket No. 8585, File No. BP-5691, for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of October 1947;

The Commission having under consideration the above-entitled application of Egon A. Hofer, et al., (KRDU) requesting a construction permit to change the operating assignment of station KRDU, Dinuba, California, from 1130 kc, with 250 w power, daytime only, to 1240 kc, with 250 w power, unlimited time; and

It appearing that the Commission on February 20, 1947, designated for hearing in a consolidated proceeding the applications of R. K. Wittenberg and R. L. Stoddard, d/b as San Joaquin Broadcasters (File No. BP-5743, Docket No. 8145) requesting a construction permit for a new standard broadcast station to operate on the frequency 1230 kc, with 100 w power, unlimited time, at Fresno, California, and Edward W. McCleery and Frank C. McIntyre, d/b as Public Interest Broadcasters (File No. BP-5785, Docket No. 8146) requesting a construction permit for a new standard broadcast station to operate on the frequency 1230 kc, with 250 w power, unlimited, at Madera, California; and that hearing thereon has been scheduled for January 12 and 13, 1948, at Madera and Fresno, California, respectively;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Egon A. Hofer, et al. (KRDU) be, and it is hereby, designated for hearing in the above consolidated proceeding to be held at Dinuba, California, following the hearing scheduled for January 13, 1948, at Fresno, California, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate station KRDU as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station KRDU as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of station KRDU as proposed would involve objectionable interference with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of station KRDU as proposed would involve objectionable interference with the services proposed in the other pending applications in this proceeding or in any

other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of station KRDU as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the order of the Commission dated February 20, 1947, designating the applications of R. K. Wittenberg, et al. and Edward M. McCleery, et al. for hearing in a consolidated proceeding be, and it is hereby, amended to include the said application of Egon A. Hofer, et al. (KRDU) and to change the appropriate wording of Issue No. 7 therein to read "if any."

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-10125; Filed, Nov. 14, 1947;
8:47 a. m.]

[Docket No. 8178]

STEEL CITY BROADCASTING CO.

CORRECTED ORDER DESIGNATING APPLICATION
FOR HEARING ON STATED ISSUES

In re application of George M. Whitney, Caroline L. Whitney and Frederick K. Feyling, a partnership d/b as Steel City Broadcasting Company, Gary, Indiana, Docket No. 8178, File No. BP-5681; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 16th day of October 1947;

The Commission having under consideration the above-entitled application of Steel City Broadcasting Company for construction permit for a new standard broadcast station to operate on 1370 kc, 1 kw, daytime only, at Gary, Indiana;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and applications.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with station WGES, Chicago, Illinois, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That J. A. Dyer, V. I. Christoph, E. M. Hinzman, F. A. Ringwald and W. F. Moss, d/b as Radio Station WGES, Licensee of Station WGES, Chicago, Illinois, be, and they are hereby, made a party to this proceeding.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-10117; Filed, Nov. 14, 1947;
8:46 a. m.]

[Docket Nos. 8304, 8405]

FLORENCE BROADCASTING CO., INC. (WJOD)
AND EVANSVILLE ON THE AIR, INC.
(WGBF)

ORDER CONTINUING HEARING

In re applications of Florence Broadcasting Company, Inc. (WJOD), Florence, Alabama, Docket No. 8304, File No. BP-5525; Evansville on the Air, Inc. (WGBF) Evansville, Indiana, Docket No. 8405, File No. BP-3844; for construction permits.

The Commission having under consideration a petition filed October 22, 1947, by On the Air, Inc. (WGBF) Evansville, Indiana, requesting correction of the above-entitled application of Evansville On the Air, Inc. (WGBF) Evansville, Indiana to show the applicant's name as "On the Air, Inc." in accordance with the records of the Commission; and further requesting that the consolidated hearing now scheduled to be held at Washington, D. C. on November 6, 1947, on petitioner's application and the above-entitled application for construction permit of Florence Broadcasting Company, Inc. (WJOD) Florence, Alabama, be continued for approximately 20 days;

It is ordered, This 31st day of October 1947, that the petition be, and it is hereby, granted; that the above-entitled application of Evansville On the Air, Inc., be, and it is hereby, corrected to show the applicant's name as "On the Air, Inc." in conformity with the Commission's records; and

It is further ordered, That the said hearing on the above-entitled applica-

tions be, and it is hereby, continued to 10:00 a. m., Monday, December 1, 1947, at Washington, D. C.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-10114; Filed, Nov. 14, 1947;
8:46 a. m.]

[Docket Nos. 8410, 8586]

**BASTROP BROADCASTING CO. AND FREQUENCY
BROADCASTING SYSTEM, INC.**

**ORDER DESIGNATING APPLICATIONS FOR CON-
SOLIDATED HEARING ON STATED ISSUES**

In re applications of George H. Goodwin, F. P. Robinson and W. Dan Files, a partnership d/b as Bastrop Broadcasting Company, Bastrop, Louisiana, Docket No. 8410, File No. BP-6049; Frequency Broadcasting System, Incorporated, Monroe, Louisiana, Docket No. 8586, File No. BP-6321, for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of October 1947;

The Commission having under consideration the above-entitled application of George H. Goodwin, et al., requesting a construction permit for a new standard broadcast station to operate on the frequency 900 kc, with 1 kw power, daytime only, in Bastrop, Louisiana, and that of Frequency Broadcasting System, Incorporated, requesting a construction permit for a new standard broadcast station to operate on the frequency 900 kc, with 250 w power, daytime only, in Monroe, Louisiana.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant partnership and the partners and of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference each with the

other or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof; the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-10126; Filed, Nov. 14, 1947;
8:48 a. m.]

[Docket Nos. 8407, 8408, 8583]

N.-K. BROADCASTING CO. ET AL.

**ORDER DESIGNATING APPLICATIONS FOR CON-
SOLIDATED HEARING ON STATED ISSUES**

In re applications of Nicholas William Kuris and Steven Claud Garcia, a partnership d/b as N.-K. Broadcasting Company, Muskegon, Michigan, Docket No. 8408, File No. BP-6071, Roy C. Kelley, Muskegon, Michigan, Docket No. 8407, File No. BP-4914; Western Michigan Radio Corporation, Muskegon, Michigan, Docket No. 8583, File No. BP-6369; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of October 1947;

The Commission having under consideration the above-entitled application of Western Michigan Radio Corporation requesting a construction permit for a new standard broadcast station to operate on the frequency 1490 kc, with 250 w. power, unlimited time, in Muskegon, Michigan; and

It appearing, that the Commission on June 11, 1947, designated for hearing in a consolidated proceeding the applications of Nicholas William Kuris and Steven Claud Garcia, a partnership d/b as N.-K. Broadcasting Company (File No. BP-6071, Docket No. 8408) and Roy C. Kelley (File No. BP-4914, Docket No. 8407) each requesting a construction permit for new standard broadcast station to operate on the frequency 1490 kc, with 250 w power, unlimited time, at Muskegon, Michigan; and that hearing thereon has been scheduled for December 11 and 12, 1947, at Muskegon, Michigan.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Western Michigan Radio Corporation be, and it is hereby, designated for hearing in the above consolidated proceeding at the time and place heretofore scheduled for hearing by the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, direc-

tors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the other applications in this proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the order of the Commission dated June 11, 1947, designating the applications of Nicholas William Kuris, et al. and Roy C. Kelley for hearing in a consolidated proceeding be, and it is hereby, amended to include the said application of Western Michigan Radio Corporation and to change the appropriate wording of Issue No. 7 thereof to read "if any"

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-10123; Filed, Nov. 14, 1947;
8:47 a. m.]

[Docket Nos. 8431, 8579]

**PELLEGRIN AND SMEBY AND FLORAL CITY
BROADCASTING CO.**

**ORDER DESIGNATING APPLICATIONS FOR CON-
SOLIDATED HEARING ON STATED ISSUES**

In re applications of Frank E. Pellegrin and Lynne C. Smey, d/b as Pellegrin and Smey, Detroit, Michigan, Docket No. 8431, File No. BP-5805; Edward T. Dillon and Matthew A. Vance, d/b as Floral City Broadcasting Company, Monroe, Michigan, Docket No. 8579, File No. BP-6167; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of October 1947.

The Commission having under consideration the above-entitled application of Frank E. Pellegrin and Lynne C. Smey,

d/b as Pellegrin and Smeby, requesting a construction permit for a new standard broadcast station to operate on 1440 kc, with 1 kw power, daytime only, at Detroit, Michigan, and the above-entitled application of Edward T. Dillon and Matthew A. Vance, d/b as Floral City Broadcasting Company, requesting a construction permit for a new standard broadcast station to operate on 1440 kc, with 250 w power, daytime only, at Monroe, Michigan;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, each upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the other pending application in this proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-10121; Filed, Nov. 14, 1947;
8:47 a. m.]

[Docket Nos. 8447, 8503, 8563]

WABASH BROADCASTING CO., INC., ET AL.
ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Wabash Broadcasting Company, Incorporated, LaFayette, Indiana, Docket No. 8447, File No. BP-6037; O. E. Richardson, Joe Gibbs Spring and Robert C. Adair, d/b as Richardson, Spring and Adair, Crawfordsville, Indiana, Docket No. 8503, File No. BP-6172; H. Foster Fudge, Gladys C. Fudge, W. Addington Vance and Martha F. Vance, d/b Journal-Review, Crawfordsville, Indiana, Docket No. 8563, File No. BP-6329; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of October 1947.

The Commission having under consideration the above-entitled application of H. Foster Fudge, Gladys C. Fudge, W. Addington Vance and Martha F. Vance, d/b as Journal-Review, requesting a construction permit for a new standard broadcast station to operate on 1340 kc, with 100 w power, unlimited time, at Crawfordsville, Indiana;

It appearing, that the Commission on August 28, 1947, designated for hearing a consolidated proceeding the above-entitled applications of Wabash Broadcasting Company, Incorporated, requesting a construction permit for a new standard broadcast station to operate on 1340 kc, with 250 w power, unlimited time, at LaFayette, Indiana, and O. E. Richardson, Joe Gibbs Spring and Robert C. Adair, d/b as Richardson, Spring and Adair, requesting a construction permit for a new standard broadcast station to operate on 1340 kc, with 100 w power, unlimited time, at Crawfordsville, Indiana, said hearing to commence on December 18, 1947, at LaFayette, Indiana;

It is ordered, That, pursuant to Section 309 (a) of the Communications Act of 1934, as amended, the said application of Journal-Review be, and it is hereby designated for hearing in the above consolidated proceeding beginning on December 18, 1947, at LaFayette, Indiana, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any of the other pending applications in this proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

lations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the orders of the Commission dated June 26 and August 28, 1947, designating the above-entitled applications of Wabash Broadcasting Company, Incorporated and Richardson, Spring and Adair for hearing in a consolidated proceeding and naming certain party respondents be, and they are hereby, amended to include the above-entitled application of Journal-Review.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-10120; Filed, Nov. 14, 1947;
8:47 a. m.]

[Docket No. 8463]

LAKES AREA BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of L. L. Gaffaney and J. B. Smith, a partnership d/b as Lakes Area Broadcasting Company, Pryor, Oklahoma, Docket No. 8466, File No. BP-5752; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of October 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 930 kc, with 250 w. power, daytime only, at Pryor, Oklahoma;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with station KFDE, Wichita Falls, Texas, or with any

other existing broadcast stations and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending applications of Fred Jones and Mary Eddy Jones, d/b as Fred Jones Broadcasting Company, Tulsa, Oklahoma (File No. BP-5585, Docket No. 8065) Public Radio Corporation, Tulsa, Oklahoma (File No. BP-5985, Docket No. 8270) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to the transmitter location.

It is further ordered, That Darrold Alexander Cannan, tr/as Wichtex Broadcasting Company, permittee of station KFDF, Wichita Falls, Texas, be, and he is hereby, made a party to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-10116; Filed, Nov. 14, 1947;
8:46 a. m.]

[Docket Nos. 8520, 8521, 8584]

HAYGOOD S. BOWDEN ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Haygood S. Bowden, Camden, South Carolina, Docket No. 8520, File No. BP-6020; Savannah Broadcasting Company (WTOC) Savannah, Georgia, Docket No. 8521, File No. BP-6327; William J. Brennan, Jacksonville, Florida, Docket No. 8584, File No. BP-6222; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of October, 1947;

The Commission having under consideration the above-entitled application of William J. Brennan requesting a construction permit for a new standard broadcast station to operate on the frequency 690 kc, with 5 kw power, daytime only at Jacksonville, Florida; and

It appearing, that the Commission on September 25, 1947, designated for hearing in a consolidated proceeding the applications of Haygood S. Bowden (File No. BP-6020, Docket No. 8520) requesting a construction permit for a new standard broadcast station to operate on the frequency 690 kc, with 250 w power, daytime only, at Camden, South Carolina, and Savannah Broadcasting Company (WTOC), Savannah, Georgia (File No.

BP-6327, Docket No. 8521) requesting a construction permit to change frequency of station WTOC from 1290 kc to 690 kc, change hours of operation from unlimited to daytime only increase power from 5 kw to 10 kw, install new transmitter and new vertical antenna, and change transmitter location; and that a hearing has been scheduled thereon for April 22, 1948, at Washington, D. C.

It is Ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of William J. Brennan be, and it is hereby, designated for hearing in the above consolidated proceeding at the time and place heretofore designated by the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the other applications in this proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the order of the Commission dated September 25, 1947, designating the applications of Haygood S. Bowden and Savannah Broadcasting Company (WTOC) for hearing in a consolidated proceeding be, and it is hereby, amended to include the said application of William J. Brennan and to change the appropriate wording of Issue No. 7 thereof to read "if any."

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-10124; Filed, Nov. 14, 1947;
8:47 a. m.]

[Docket Nos. 8574, 8575]

E. E. KREBSBACH AND LEWIS WILES MOORE

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of E. E. Krebsbach, Williston, North Dakota, Docket No. 8574, File No. BP-6162; Lewis Wiles Moore, Glendive, Montana, Docket No. 8575, File No. BP-6183; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of October 1947;

The Commission having under consideration the above-entitled application of E. E. Krebsbach requesting a construction permit for a new standard broadcast station to operate on 1,240 kc, with 250 w power, unlimited time, at Williston, North Dakota, and also have under consideration the above-entitled application of Lewis Wiles Moore requesting a construction permit for a new standard broadcast station to operate on the same facilities at Glendive, Montana;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicants to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of the proposed stations would involve objectionable interference with stations KDIX, Dickinson, North Dakota, and KDLR, Devils Lake, North Dakota, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of the proposed stations would involve objectionable interference with the services proposed in the pending applications of one another or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

8. To determine the overlap, if any, which will exist between the service areas of the proposed station at Williston, North Dakota (File No. BP-6162) and of station KGGX at Sidney, Montana, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules; and

It is further ordered, That Dickinson Radio Association, licensee of station KDIX, Dickinson, North Dakota, and KDLR, Incorporated, licensee of station KDLR, Devils Lake, North Dakota, be, and they are hereby, made parties to this proceeding.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-10119; Filed, Nov. 14, 1947;
8:47 a. m.]

[Docket No. 8587]

BRUNSWICK-ISLANDS BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re: Application of James W. Hayes and John L. Rivers, a partnership d/b as Brunswick-Islands Broadcasting Company, Brunswick, Georgia, Docket No. 8587, File No. BP-6164; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of October 1947:

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on the frequency 1340 kc, with 250 w power, unlimited time, in Brunswick, Georgia,

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with stations WHAN, Charleston, South Carolina, and WROD, Daytona Beach, Florida, or with

any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Charleston Broadcasting Company and Daytona Beach Broadcasting Corporation, licensees of stations WHAN and WROD, respectively, be, and they are hereby, made parties to this proceeding.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-10127; Filed, Nov. 14, 1947;
8:48 a. m.]

[Docket Nos. 8588, 8589]

LYND BROADCASTING CO. AND ROBERT F. WOLFE CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Clayton Johns and John Allen Heimberger, a partnership d/b as Lynd Broadcasting Company, Newark, Ohio, Docket No. 8588, File No. BP-6186; Robert F. Wolfe and Margaret R. Wolfe, a partnership d/b as Robert F. Wolfe Co., Fremont, Ohio, Docket No. 8589, File No. BP-6240; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of October 1947:

The Commission having under consideration the above-entitled application of Clayton Jones, et al., requesting a construction permit for a new standard broadcast station to operate on the frequency 1430 kc, with 500 w power, daytime only, in Newark, Ohio, and that of Robert F. Wolfe et al., requesting a construction permit for a new standard broadcast station to operate on the frequency 1430 kc, with 1 kw, daytime only, employing a directional antenna, in Fremont, Ohio; and petition of United Broadcasting Company, licensee of station WHK, requesting that the application of Robert F. Wolfe et al., be designated for hearing and that petitioner be made a party to the proceeding;

It is ordered, That the aforesaid petition of United Broadcasting Company (WHK) be, and it is hereby, granted; and pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications be, and

they are hereby, designated for hearing in a consolidated proceeding at a time and to be designated by subsequent order of the Commission, each upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That United Broadcasting Company, licensee of station WHK, be, and it is hereby made a party to this proceeding.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-10128; Filed, Nov. 14, 1947;
8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 787, Special Permit 1]

DELIVERY OF CARS TO M. DUNN & Co.,
DETROIT, MICH.

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph of Service Order No. 787 (12 F. R. 7361) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:-

To disregard the provisions of Service Order No. 787 insofar as it applies to the turnover and delivery to M. Dunn & Co., Detroit, Mich., the following cars shipped by Edw. H. Anderson Co., Chicago, Ill., ART 177, WFE 67536, WFE

37989, PFE 66248, IC 14055, ART 15654 and MDT 8027 now on hand New York Central Produce Terminal, Detroit.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 7th day of October 1947.

HOMER C. KING,
Director

[F. R. Doc. 47-10107; Filed, Nov. 14, 1947;
8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 53-134, 54-72, 59-9, 59-66]

STANDARD GAS AND ELECTRIC CO. ET AL.

NOTICE OF FILING OF DECLARATION, NOTICE OF AND ORDER FOR HEARING AND ORDER CONSOLIDATING HEARINGS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 10th day of November 1947.

In the matter of Standard Gas and Electric Company, File No. 53-134; Standard Power and Light Corporation, Standard Gas and Electric Company and subsidiary companies thereof, Respondents, File No. 59-9; Standard Gas and Electric Company, File Nos. 54-72 and 59-66.

By memorandum opinion and order dated October 30, 1947 (Holding Company Act Release No. 7811) the Commission having ordered, among other things, that a hearing be held on November 18, 1947, and that pending said hearing and pending further order of the Commission after said hearing all persons be prohibited from soliciting or permitting the use of their names to solicit, by use of the mails or any means or instrumentality of interstate commerce, or otherwise, any proxy, power of attorney, consent, or authorization regarding the voting of any security of Standard Gas and Electric Company, unless pursuant to a declaration which has become or shall have been permitted by the Commission to become effective, and having further ordered that evidence be adduced pursuant to section 12 (f) of the Public Utility Holding Company Act of 1935, regarding contracts, relationships and transactions which have been entered into among affiliates in the Standard Power and Light Corporation holding company system; and

By memorandum opinion and order dated November 7, 1947 (Holding Company Act Release No. 7830) the Commission having ordered that a hearing be held on November 12, 1947, for the purpose of considering, among other things,

whether the Commission's order of October 30, 1947 should be modified with respect to the provision prohibiting any persons from soliciting, or permitting the use of their names to solicit, by use of the mails or any means or instrumentality of interstate commerce, or otherwise, any proxy, power of attorney, consent or authorization regarding the voting of any security of Standard Gas and Electric Company.

Notice is hereby given that Standard Gas and Electric Company, a registered holding company, has filed a declaration (File No. 53-134) pursuant to the Commission's order, dated October 30, 1947 (Holding Company Act Release No. 7811) entered in File Nos. 59-9, 54-72, and 59-66. All interested persons are referred to said declaration which is on file at the office of this Commission for a statement of the transactions proposed therein which may be summarized as follows:

Standard Gas and Electric Company proposes to carry out solicitations of proxies with respect to the Annual Meeting of Stockholders of Standard Gas and Electric Company scheduled to be held December 3, 1947 in accordance with the material heretofore filed with the Commission pursuant to Rules U-61 and X-14, and to transmit all such further soliciting material in accordance with the procedures in force pursuant to said Rules U-61 and X-14. Declarant states that at such Annual Meeting of Stockholders it is intended that a Board of Directors be elected to serve until the next Annual Meeting of Stockholders or until their respective successors are elected and qualified and that declarant intends to solicit proxies for use at such meeting for the purpose of electing the following proposed candidates:

Name	To represent—
William M. Flook-----	Common stockholders.
Abner H. Goldstone---	Do.
Robert J. Levy-----	Do.
Thomas A. O'Hara-----	Do.
Kent Cochran-----	\$4 Cumulative preferred stockholders.
Christian A. Johnson--	Do.
George E. Allen-----	Prior preference stockholders.
Robert P. Patterson---	Do.

All of the proposed candidates are incumbents except Goldstone and Patterson. Cochran and Johnson were first elected as directors in 1946 and Allen, Flook and Levy were elected during 1947. O'Hara first served as a director in the year 1930 and was then again elected in 1938 and has served in such capacity since the latter date. For further information regarding the proposed candidates, reference is made to the proxy material mentioned above.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to said declaration unless as a result of the aforesaid hearing to be held on November 12, 1947, the necessity for such a declaration has been removed; and it further appearing to the Commission that in the event such a hearing is held consideration of said declaration must necessarily be had in conjunction with certain of the issues

presented by the aforesaid order of October 30, 1947, including in particular the issues arising pursuant to section 12 (f) of the Public Utility Holding Company Act of 1935; and it further appearing to the Commission that the said declaration involves questions of law and fact common to the issue, to be considered at the hearing heretofore ordered to be held on November 18, 1947 in File Nos. 59-9, 54-72, and 59-66, and that evidence adduced in one of the proceedings may have a bearing upon the issues presented in the other proceedings and that the hearings should be consolidated; and it further appearing to the Commission that it is not feasible to hold such consolidated hearings prior to November 18, 1947; and that unless otherwise determined by the Commission as a consequence of the hearing to be held on November 12, 1947, said declaration shall not be permitted to become effective except pursuant to further order of the Commission subsequent to said hearing to be held on November 18, 1947;

It is hereby ordered, Pursuant to section 12 (e) of the act that a hearing be held on the declaration filed by Standard Gas and Electric Company in accordance with the Commission's order of October 30, 1947; that the hearing be consolidated with the hearing heretofore ordered by the Commission's order of October 30, 1947 (Holding Company Act Release No. 7811) to be held on November 18, 1947; and that the first order of business at such consolidated hearing shall be whether, consistently with the public interest or the interest of investors, the aforesaid declaration filed by Standard Gas and Electric Company should be permitted to become effective, and whether the action proposed in the aforesaid declaration would tend to circumvent the provisions of the act, rules, regulations or orders thereunder, and in connection therewith, there shall be adduced evidence under section 12 (f) of the act, as provided in the Commission's order of October 30, 1947.

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing herein ordered by mailing a copy of this order by registered mail to all persons who have heretofore filed an appearance in these proceedings, to Standard Gas and Electric Company, Standard Power and Light Corporation, John P. Wagner, et al., as Protective Committee for Standard Gas and Electric Company Prior Preference Stock, \$7 and \$6 Cumulative, and that notice of said hearing be given to all other interested persons by general release of the Commission and by publication of this notice and order in the FEDERAL REGISTER.

It is further ordered, That jurisdiction be, and hereby is, reserved to separate either for hearing, in whole or in part, any of the matters relating to the aforesaid declaration filed by Standard Gas and Electric Company from any of the matters arising by virtue of the Commission's aforesaid order of October 30, 1947, or to take such other action as may appear appropriate in the premises or be necessary for the orderly, prompt,

and economical disposition of the matter involved.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-10101; Filed, Nov. 14, 1947;
8:49 a. m.]

[File No. 70-1660]

MINNESOTA POWER & LIGHT CO.

NOTICE OF FILING AND NOTICE OF AND ORDER
FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 6th day of November A. D. 1947.

Notice is hereby given that Minnesota Power & Light Company ("Minnesota") a registered holding company and utility subsidiary of American Power & Light Company, a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, has filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935 and has designated sections 6 (a) and 7 of the act and Rules U-62 and U-65 of the rules and regulations promulgated thereunder as applicable to the proposed transactions:

All interested persons are referred to said application-declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Minnesota contemplates the sale of additional common stock in the near future in order to acquire funds necessary to finance its construction program. It is stated that in order to facilitate the sale of said stock, Minnesota proposes to amend its charter in the following respects:

(1) To reclassify its presently outstanding 550,000 shares of common stock, of the par value of \$10 per share, and with an aggregate stated value of \$10,800,000, to a like number of shares of common stock without par value and of the same aggregate stated value.

(2) To provide that the consideration received from the sale of common stock without par value will be stated in the common capital stock account.

(3) To modify the provisions of its charter imposing certain dividend restrictions. The charter now provides in substance that no dividends other than dividends received from Superior Water, Light & Power Company may be paid on the common stock of Minnesota when the ratio of common stock to total capitalization is less than 20%, and that not more than 75% of the earnings available for the common stock may be paid out as dividends thereon when the ratio of common stock and surplus to total capitalization is above 20% but under 25%, and that if, after having achieved a ratio of common stock and surplus to total capitalization of 25%, such ratio should then fall below 25%, no dividends other than dividends received from Superior Water, Light & Power Company may be paid on the common stock until the ratio of common stock and surplus to total

capitalization shall equal 25%. Minnesota proposes to amend the above restriction to provide, in substance, that not more than 75% of the earnings available for the common stock may be paid out as dividends thereon when the ratio of common stock equity (including surplus) to total capitalization is above 20% but less than 25%, that not more than 50% of such earnings may be paid out as dividends on the common stock when such equity ratio is less than 20%, and that, when such equity ratio is above 25%, dividends may not be paid which would reduce such equity ratio below 25%, except to the extent permitted by the above restrictions.

(4) To modify the provision in the charter restricting the issuance of unsecured debt. The charter now forbids the issuance or assumption of unsecured debt without the consent of two-thirds of the outstanding preferred stock in any amount exceeding 10% of the sum of its secured indebtedness, capital stock, and surplus. Minnesota proposes to amend this section of its charter to provide, in substance, that the company may not issue or assume unsecured debt in excess of 10% of the sum of secured indebtedness, capital stock, and surplus plus an amount equal to 60% of the principal amount of the company's 2% Serial Notes due 1946 to 1955, outstanding at the time of the issuance or assumption of such unsecured debt.

Should the proposed charter amendments be approved by this Commission, the applicant-declarant proposes to submit the proposed charter amendments to its stockholders for their approval. The application-declaration states that the approval to two-thirds of the outstanding preferred stock is necessary to adopt the proposed amendments. In order to facilitate the acquisition of the necessary proxies, applicant-declarant proposes to employ an outside firm or organization to assist in procuring proxies from preferred stockholders residing outside the area served by Minnesota and its subsidiary. The compensation expected to be paid in connection with such solicitation is estimated at not to exceed \$8,000.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said application-declaration and that said application-declaration shall not be granted or permitted to become effective except pursuant to a further order of this Commission:

It is ordered, That a hearing on said application-declaration pursuant to the applicable provisions of the act and the rules of the Commission be held on November 24, 1947 at 10:00 a. m., e. s. t., at the offices of the Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of the Commission on or before November 21, 1947, a request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Willis E. Monty or any other officer or officers of this Commission designated by it for that purpose shall preside at such hearing. The officer or officers so designated to preside at such hearing are hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a Hearing Officer under the Commission's rules of practice.

The Public Utilities Division having advised the Commission that it has made a preliminary examination of the application-declaration and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

1. Whether the proposed charter amendments meet the applicable standards of the act, particularly section 7 thereof.

2. Whether the terms and conditions with respect to the proposed solicitation meet the applicable standards of the act and the rules thereunder.

3. Whether the fees proposed to be paid including the fee of any organization for solicitation of proxies are reasonable.

4. Whether the proposed accounting treatment with respect to the reclassification of the common stock is proper and in conformity with sound accounting principles.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail upon the applicant-declarant herein and that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935 and by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-10102; Filed, Nov. 14, 1947;
8:43 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 69 Stat. 59, 925; 59 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9557, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9783, Oct. 14, 1946, 11 F. R. 11831.

[Vesting Order 10043]

JOHANNA GAENSLER ET AL.

In re: Stock owned by Johanna Gaensler, Franz Schenk Freiherr von Stauffenberg, Ludwig Wrede, Freifrau Mechtilde von Mentzingen, Direktor Alfred Kappus and Fred Korte. F-28-28530-D-1, F-28-28529-D-1, F-28-15557-D-1, F-28-25277-D-3, F-28-23703-D-2, F-28-28526-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johanna Gaenslen, Franz Schenk Freiherr Von Stauffenberg, Ludwig Wrede, Freifrau Mechtilde Von Mentzingen, Direktor Alfred Kappus and Fred Korte, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the property described as follows: Three hundred and fifty (350) shares of no par value common capital stock of American Ice Company, 535 Fifth Avenue, New York 17, New York, a corporation organized under the laws of the State of New Jersey, evidenced by the certificates listed below, registered in the names of the persons listed below in the amounts appearing opposite each name as follows:

Registered owner	Certificate No.	Number of shares
Johanna Gaenslen.....	21640	20
Franz Schenk Freiherr Von Stauffenberg.....	14979	100
Do.....	15000	20
Ludwig Wrede.....	24899	10
Freifrau Mechtilde Von Mentzingen.....	15001	50
Direktor Alfred Kappus.....	15059	50
Fred Korte.....	23875	100

together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 20, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-10134; Filed, Nov. 14, 1947;
8:49 a. m.]

[Vesting Order 10070]

JOSEPH WITTKOPP AND WALTER J.
HEBESTREIT

In re: Stock owned by Joseph Wittkopp and stock owned by and debt owing to Walter J. Hebestreit, also known as Walter J. Heberstreit, F-28-25733-D-1, F-28-22305-D-1/3.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Joseph Wittkopp, whose last known address is Nene Schulstr 24, Hagen Westfalen, Germany, and Walter J. Hebestreit, also known as Walter J. Heberstreit, whose last known address is Leiststrasse 1, Hameln, Weser, Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the property described as follows: Thirty (30) shares of no par value capital stock of Hudson Motor Car Company, Detroit, Michigan, a corporation organized under the laws of the State of Michigan, evidenced by the certificates whose numbers are listed below, registered in the names of the persons listed below in the amounts set forth opposite said names as follows:

Certificate No.	Name in which registered	Number of shares
66098	Joseph Wittkopp.....	10
6789	Walter J. Heberstreit.....	20

together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Joseph Wittkopp and Walter J. Hebestreit, also known as Walter J. Heberstreit, the aforesaid nationals of a designated enemy country (Germany)

3. That the property described as follows:

a. Seven (7) shares of no par value \$5 series preferred capital stock of General Motors Corporation, 1775 Broadway, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number 12451, registered in the name of Walter J. Hebestreit, together with all declared and unpaid dividends thereon,

b. Five (5) shares of \$100 value capital stock of American Telephone and Telegraph Company, 195 Broadway, New York, New York, a corporation organized under the laws of the State of New York, evidenced by certificate number HN98749, registered in the name of Walter J. Hebestreit, together with all declared and unpaid dividends thereon, and

c. That certain debt or other obligation owing to Walter J. Hebestreit, also known as Walter J. Heberstreit, by American Telephone and Telegraph Company, 195 Broadway, New York, New York, in the amount of \$7.55, as of December 31, 1945, arising out of the sale of certain subscription rights issued by said American Telephone and Telegraph

Company, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Walter J. Hebestreit, also known as Walter J. Heberstreit, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 20, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-10135; Filed, Nov. 14, 1947;
8:49 a. m.]

LAURA GRUENEBAUM-OPPENHEIM

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to Section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property and Location

Laura Gruenebaum-Oppenheim, New York, N. Y., 5472; \$7,802.65 in the Treasury of the United States. All right, title, interest and claim of any character whatsoever of Laura Gruenebaum-Oppenheim, in and to the trust created under Article IX of the will of Moritz Bamberger, deceased; Trustee, Walker Bank & Trust Company, Salt Lake City, Utah.

Executed at Washington, D. C., on November 10, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-10136; Filed, Nov. 14, 1947;
8:49 a. m.]